NORTH-WESTERN PROVINCES.

HISTORICAL AND STATISTICAL

MEMOIR OF THE GHAZEEPOOR DISTRICT.

By WILTON GRIFFITH, LL.D., R.C.S.

PART II.

HISTORY OF GHAZEEPOOR AND THE BENARES PROVINCE FROM 1781 A.D. TO [illegible] A.D.

ALLAHABAD:
NORTH-WESTERN PROVINCES GOVERNMENT PRESS.
1876.

FIFTH ARTICLE.

Fifth Article.—Troops to be stationed at Benares.

I am hopeful that the troops which shall be appointed from the Presence for the protection of the Sirkar of Benares, &c., may be stationed agreeably to my request.

Answer to the Fifth Article.

Wherever troops may be necessary, they shall be stationed.

SIXTH ARTICLE.

Sixth Article.—Cheyte Singh's balances.

Respecting the balances to the end of the year 1188, during Cheyte Singh's administration, I have been ordered from the Presence to collect and pay them to the Sirkar. I therefore represent, that whatever of the balances for the above year I can collect, I will pay to the Sirkar.

Answer to the Sixth Article.

Agreed.

Pottah granted to Rajah Maheepnerain

After the conclusion of the negociation, a perpetual lease was granted to the Rajah at 40 lacs of rupees per annum, for the Mal or land revenue, and Sayer or customs, and miscellaneous receipts of the whole Province, the Kutwalee of Police of Jounpore, the Nokeomee or Yettisoub, which I think meant the Brokerage of Benares, and the Sungurezunee or stone duties of Benares, and the Dustoor Dewanee or fees in the administration of civil justice, for the Province (except for the city, which had been specially exempted).

A remission of two months' revenue was granted in the current year, on account of the losses caused by rebellion. The Rajah was not made responsible for the outstanding balances due by Cheyte Singh, but he undertook to pay up whatever amount of them he could realize. He promised in the counterpart of the lease executed by him, "to exert his utmost abilities in the cultivation and population of the country and the increase of its revenues, so that it may improve daily; and to act with such vigour in expelling thieves, night robbers, murderers, and all evil-doers, that not one of them should remain within his Zemindary, and that no criminal offences shall be heard of."

Error of Mr. Mill as to removal of Criminal Jurisdiction of the Maharajah

It is worthy of remark, that Mr. James Mill in his "History of India," erroneously states that the criminal jurisdiction of the whole country was removed from the Rajah of Benares by Warren Hastings, whereas in reality it was only for offences committed within the city that the jurisdiction was transferred to the new Court. For the rural districts and other cities of the Province, his undefined authority was vaguely maintained.

Reform of Customs Department.

An attempt was made by Warren Hastings, before leaving Benares, to put the Customs Department on a more satisfactory footing. His report on the subject to the Council, dated November 22nd, 1781, is as follows:—

"The mode of collecting the customs on merchandise passing through this province being attended with much abuse, and the rates unequal, being proportioned to the load, not to the value of the goods, I have issued orders that the customs shall be hereafter collected only at these stations, namely, Mirzapoor, Benares, and Ghazeepoor, by appointed officers instead of farmers, and according to a new table of rates formed on the ordinary prices of the goods, the duty to be levied thereon at the rate of 5 per cent., and in one single payment"

It will appear that for some years very little effect was given to these regulations, which were in themselves just and judicious.

About the end of November, 1781, Warren Hastings proceeded to Lucknow, and after a short but eventful stay, during which he yielded to the baser impulses of his nature, and indelibly stained his reputation by the torture of the Begum's eunuchs, in order to compel her to satisfy his demands for money, he again passed through Benares on his way to Calcutta in January, 1782.

Warren Hastings leaves Benares.

Mr. William Markham, who had been Resident when the rebellion of Cheyte Singh occurred, still continued to hold the appointment. He had the confidence of the Governor-General, and though in the purity of his official conduct he may not have surpassed the moral standard of the times, yet he certainly did not plunge into such a depth of shameless avarice and unblushing corruption as that to which his successors sank. It has been mentioned in the preceding chapter, that Warren Hastings, when his temporary reconciliation with Sir P. Francis had come to an end, dismissed for the second time from the Residency of Benares, Francis Fowke, the creature of Sir P. Francis. The dismissal of Fowke from Benares, and of Bristow from Lucknow, had been entirely condemned by the Court of Directors, and orders to reinstate them had been sent out. These orders for some time Warren Hastings disregarded, because he did not consider himself bound to obey any orders of the Court "destructive of his authority," and he considered the appointment of a man disloyal to himself, to so important a post as that of Benares Resident, to be "destructive of his authority." At length, on the 23rd August, 1782, the Court of Directors issued positive and peremptory orders for the restoration of Fowke and Bristow. These peremptory orders Warren Hastings was quite prepared to disobey, but he was overruled by the majority of his Council. In vain he urged that his objections to Fowke's appointment were so strong that "he dared not to put them upon paper. The Members of the Board individually knew them." The Council still held their opinion, that the orders of the Court of Directors left them no choice; and thus, early in 1783, the incapable and dishonest Fowke went for the third time as Resident to Benares.

Removal of Mr Markham, and re-appointment of Francis Fowke as Resident.

It has been mentioned, that, by the arrangements of 1781, Rajah Maheepnerain, the nominal head of the administration, had no real power, his entire authority having been vested in the Naib or Deputy, his own father, Baboo Doorbejeih Singh. The Deputy had no easy task to perform. The accumulated treasure of Rajah Cheyte Singh, from which the liquidation of the tribute of the British Government was at all times easy, however bad the season or backward the collection, was gone. The able and experienced revenue collectors of the last Rajah had accompanied him in his flight. Rebellion and disturbances, general throughout the Province, had taken place in the rainy season, when agricultural operations were most active, and had to some extent impeded them. An insufficient rainfall was followed by a scanty crop. Under this accumulation of difficulties the Deputy had to pay a revenue of forty lacs, being nearly eighteen lacs more than the amount for which his predecessors had been liable. It is true that, under the terms of the Paper of Requests, he was entitled to some remissions from the fixed revenue, and claimed under this document a deduction of Rs. 2,57,359; but of this amount only Rs. 1,15,335 was allowed by Government, the greater part of which sum had been paid by the Deputy under the orders of Government to former proprietors. As was to be expected, the Deputy fell into arrears. Warren Hastings had himself foreseen that the realization of the full forty lacs was not to be hoped for except under the most favourable circumstances. In his address to the Council of the 23rd November, 1781, the following passage occurs:—

Baboo Doorbejeih Singh, the father of the Rajah, and his Deputy.
The failure of his administration His dismissal and death.

"Although I am convinced that with proper management the Zemindary might yield an amount considerably exceeding that which I have taken as the estimate of its value, yet I must express my apprehension that, unless the Naib can find means to avail himself of better official assistance than he at present possesses, his real profits

will fall far below their allowed amount; and on that account I have encouraged him to hope that, if he shall prove himself diligent in his office, and punctual in the discharge of his kists to the Company, he may hereafter obtain from the indulgence of the Board some remission from the stipulated jummah, whenever the actual demands of the Company shall be lessened, and the state of their treasury will admit of it; and this I shall recommend as an act of generosity becoming their former relation to this province, and equally warranted by the principles of good policy; for there are certain limits beyond which the exaction of a public revenue will not only defeat its own purpose, but operate as effectually to a reduction as an intentional act of bounty could do. But it is not my wish to engage the present attention of the Board in a discussion upon this subject; my desire being only to premise what I may find necessary hereafter to introduce to their further consideration, so that any future proposition may not appear to arise wholly from the instant occasion of it."

Unfortunately for the Deputy, Warren Hastings had made his future generosity contingent upon the cessation of the necessities of the Company, and not upon the ability of their tributary. The "actual demands of the Company" had not been "lessened," and the "state of their treasury" did not appear to the Governor-General to admit of his recommending a remission which, under the circumstances, might with more propriety have been called an act of common justice than an act of generosity. Warren Hastings, by his sole authority, without consulting the Council, removed Doorbejeih Singh from his appointment, stripped him of his jagheer, threw him into prison, and threatened him with death. In the vindictive severity of this treatment personal feeling is clearly to be seen; and Warren Hastings himself wrote with reference to the default of the Deputy:—"I feel myself, and may be allowed on such an occasion to acknowledge it, *personally hurt* at the ingratitude of this man, and at the discredit which his ill-conduct has thrown upon my appointment of him. He has deceived me, and he has offended against the Government which I then represented."

The Naib in vain urged that the tribute appointed exceeded the means of the country, that the ordinary receipts of the country had been diminished by drought, and that, owing to a severe illness, he had for two months been incapable of attending to the laborious duties of his office. The Governor-General refused to restore him to his lands, but permitted his release from jail. Availing himself of this, he went to Calcutta to lay his case before the Council, but received from them two peremptory orders to return to Benares. On the occasion of Warren Hastings' visit to Benares in 1784, he again ordered him into confinement, after which, vexation and the hardships he had undergone put an end to his life. He died heart-broken and insolvent in confinement. The total amount of the balance of revenue unpaid by him was remitted by orders of the Court of Directors, dated 19th May, 1790.

Baboo Jugerdeo Singh, Deputy of the Province Harshness of his administration.

After the dismissal of Doorbejeih Singh, Warren Hastings appointed as his successor Baboo Jugerdeo Singh, Amil of two pergunnahs in Ghazeepoor, and a second cousin of the Rajah. His father, Surnam Singh, had been an active enemy of Rajah Bulwunt Singh, and had been obliged to take refuge from his resentment in Bengal. When Surnam Singh returned after a sojourn of some years, he was afraid to present himself before the Rajah, but sent his two sons, who were at once received into favour, and entrusted with the management of a portion of the Ghazeepore District. The elder of the brothers died during the administration of Cheyte Singh; the younger was the new Deputy.

Baboo Jugerdeo determined to avoid, if possible, the fate of his predecessor, and acted upon the avowed principle that the sum fixed for the revenue must be collected. The consequence was, that the population was plunged into misery, and desolation pervaded the country. In 1784, Warren Hastings passed through Benares on his way to Lucknow. On his arrival there he wrote to the Council an account, dated the 2nd April, of the miserable state of the province of Benares, which, only three years before,

he had seen so flourishing and highly cultivated. "From the confines of Buxar," says Mr. Hastings, "I was followed and fatigued by the clamours of the discontented inhabitants."

"The distresses which were produced by the long-continued drought unavoidably tended to heighten the general discontent. Yet I have reason to fear that the cause existed principally in a defective, if not a corrupt and oppressive administration. I am sorry to add, that, from Buxar to the opposite boundary, I have seen nothing but traces of complete devastation in every village. I cannot help remarking that, except the city of Benares, the province is in effect without a Government. The administration of the province is misconducted, and the people oppressed, trade discouraged, and the revenue in danger of a rapid decline from the violent appropriation of its means."

Baboo Jugerdeo Singh, after he had held office for two years, was dismissed.

Warren Hastings, on his return journey to Calcutta, spent the greatest part of the months of September and October, 1784, in Benares, and made some changes in the system of administration. A new Deputy was appointed, Baboo Ajaib, the adopted son of Rajah Bulwunt Singh's father-in-law, Barrear Singh, who, therefore, was by adoption Maheepnerain's maternal grand-uncle; with him the Rajah, who before had possessed no authority, was associated in the administration. All documents of importance were for the future authenticated with the joint seals of the Rajah and of his Deputy.

Resignation of Warren Hastings
How he was regarded by the people of Benares.

In view of his contemplated resignation, Warren Hastings when in Benares was also employed in providing for his Native attendants and confidential servants. Very soon after he reached Calcutta he resigned his office and embarked for England on the 8th of February, 1785.

In spite of the rebellion, which it was his destiny first to provoke, and then to suppress, notwithstanding the disastrous results of the changes he had made in the administration, though he was feared as a rigorous exactor of the revenue, as a stern administrator, and a vindictive enemy, still Warren Hastings left behind him in Benares a great and honoured name. At the time of his greatest unpopularity in England, when, in the estimation of even well-informed persons, he was regarded as little better than a subtle and malignant demon, the natives of Benares, unsolicited, presented, through their Chief Magistrate, no less than four addresses to Lord Cornwallis, for transmission to the Court of Directors, expressive of their sentiments of esteem and veneration for Warren Hastings, then a criminal at the bar of the House of Lords. It is not difficult to discover the cause of this deep-rooted and widespread popularity. There was something noble and great about his presence which inspired with involuntary admiration. If a relentless enemy, he was a friend, warm, hearty, and faithful. If a rigorous exactor of the dues of the State, he was a profuse and generous bestower of its bounties. The poor had easy access to him, and when they saw him visit their oppressors with punishment, forgot that it was chiefly because the demands of the Governor-General were so large, that the Deputies were compelled to become extortionate. The Mahomedans of Benares delighted to honour a Governor-General who had relieved them from the hated yoke of the Rajah, and given them as a ruler a worthy Mahomedan noble. The Hindoos felt half inclined to worship a Lord of Rajahs, who heartily encouraged the study of Sanscrit lore, and who of his own free gift presented a "Noubut Khana" or music-house to the great temple of Bisheshur. Men of every class and of every creed felt instinctively that in Warren Hastings they had found a genuine and unmistakeable king among men.

CHAPTER II.

THE JAGHEERS BESTOWED BY WARREN HASTINGS IN THE PROVINCE OF BENARES.

Introductory.

I NOW propose to give some account of the various jagheers bestowed by Warren Hastings, and of the subsequent history of the jagheerdars and their descendants. The subject, though not perhaps interesting, is one of some practical importance, as questions connected with these grants constantly arise, even at the present day, in all the districts of the province, and inquiries are not unfrequently made by the Government in London and in Calcutta as to their origin and history. Of the jagheers not situated in the Ghazeepore District, my notices are of necessity brief and imperfect; but they will, no doubt, be fully discussed in the statistical memoirs of the other districts of the Benares Province.

Three classes of jagheers.

The jagheers are of three classes :—

1st.—Those specifically mentioned in the perpetual lease of the province granted to Rajah Maheepnerian in 1781.

2nd.—Those granted to former zemindars of the country, who were alluded to in the second Article of Requests, which preceded the settlement, and in the reply of the Governor-General.

3rd.—Other jagheers granted by Warren Hastings in 1784.

Jagheers mentioned in the pottah to Rajah Maheepnerian.

1st.—The jagheers mentioned in the pottah granted in 1781 are the following :—

			Rs.
	New jagheers.		
(1.)	Jagheer of Benee Ram Pundit, ...	...	25,000
(2.)	Jagheer of Bundoo Khan, ...	...	2,000
(3.)	Jagheer of Juggernaut Soobahdar,	...	1,200
(4.)	Restored to the Rozinadars, ...	...	33,296
			61,496
	Old jagheers.		
(5.)	Half the Pergunnah of Bhudohee,...	...	1,58,341
(6.)	Pergunnah of Mahaitch, ...	...	60,000
(7.)	Pergunnah of Sydpoor Bhitree, ...	...	54,000
			2,72,341

New Jagheers.

Jagheer of Benee Ram Pundit.

The Pergunnah of Buhuriabad, in the Ghazeepore District, was conferred as a jagheer, at the estimated annual value of Rs. 25,000, on Benee Ram Pundit.

Benee Ram and his brother, Bissumber Pundit, were Mahratta Brahmins, high in the employ of the Rajah of Nagpore. They had on various occasions laid the English Government under obligations by important services, and they were both inspired by a warm personal affection for Warren Hastings, which he fully reciprocated. Owing to their influence at the Nagpore Court, the Bhonsla Rajah had been kept out of the recent league of Mahratta Chiefs against the English Government, and the attempts made by the Poona Government to render him hostile to the English had been frustrated. On the days which followed the massacre of English troops and officers by the adherents of Cheyte Singh, when the state of affairs was considered

hopeless, alike by friends and foes of our Government, their fidelity never for a moment wavered. Their conduct on this occasion is thus described by Warren Hastings :—

"I avail myself of this repose in my narrative to relate another instance of private merit in Benee Ram Pundit, the Vakeel or Minister of the Rajah of Berar, and his brother, Bissumber Pundit. These persons had come to pay their customary attendance at my quarters about the time that the line was already on the march. They immediately joined it. Some time after I saw and spoke to them, expressing some concern to find them in that situation. They were on foot, without a single attendant or servant. I suffered them to accompany me till we came to the plain and halted. I then thanked them for the proof they had shown of their attachment, with which I was satisfied, and desired them to return, as they had a large family in Benares, which would be exposed, by their continuance with me, to the resentment of Cheyte Singh, and perhaps to the worst effects of it; nor could they by their presence afford me any service which could repay what I myself should feel of compunction for suffering them to be exposed to such hazards. They refused me in a peremptory manner, without compliment or the ostentation of performing meritorious service, and persisted, although I as peremptorily insisted on their return. I then desired that the elder brother, who was corpulent, and of a constitution less equal to fatigue, would return, and the younger only remain, but could not prevail. A few days after my arrival at Chunar, I casually mentioned to them my distress for provisions, which was occasioned principally by the want of money; for such was our total loss of credit, that we could not raise a sufficiency even for the ordinary wants of our small detachment; and it was with great difficulty and a degree of violence that Lieutenant-Colonel Blair extorted from the Shroffs of Chunar, who had lived and grown opulent under the protection of the garrison, the small sum of Rs. 2,500, which was distributed among all the sepoys, and afforded a satisfactory relief. Benee Ram Pundit immediately, and with an eagerness which belonged to his character, told me that he had a lac of rupees in ready money lying in his house at Benares, which I might take, if I could find any means to receive and convey it to Chunar; and the younger brother advised, as the simplest expedient, to send a battalion of sepoys for that purpose, which could easily go and return without interruption, as there were no troops stationed near the town on that side of the river, offering to accompany it himself, and to bring away the money. I rejected this proposal for an obvious reason, and preferred the trial of the means which the Shroffs are supposed to practise for the conveyance of money on such occasions. I accepted a draft on their family for the sum, payable to Contoo Bauboo, my Dewan, who had been left in Benares, and sent it inclosed in a letter to him, with directions to concert with Gopaul Dass the means of conveying it to Chunar. This proved ineffectual. Contoo Bauboo could not be found. Gopaul Dass was seized, I forget at what exact period of time, and sent a prisoner to Lutteefpoor, and in a short time after Contoo Bauboo was also taken and conveyed to the same place of confinement. I was obliged therefore to wait for a more favourable opportunity, which never happened while I remained at Chunar. After my return to Benares, Benee Ram again repeated the offer. I accepted it, and received the whole amount on the instant, giving him a note in the Company's name, and in the usual form, for the same.

"Examples of fidelity and national attachment merit the first reward of being recorded. In me it is a duty both of public and private obligation to relate what I have related. Their merit is national, for under whatever impressions their assistance was offered, its object was the national service, nor can my person in such an instance be separated from my public character."

Discontent of village zemindars in the jagheer when excluded from benefits of perpetual settlement

After the appointment of Mr. Duncan as Resident of Benares in 1787, the administration of the province, which had entirely broken down in the hands of the Rajah, was taken over by him, and in 1789 a detailed settlement was formed with the village zemindars, which was afterwards declared perpetual.

The jagheer lands conferred by Warren Hastings were not included in the arrangements of 1789, which were only for those parts of the country which before had been in the possession and direct management of the Rajah of Benares.

The village zemindars in the jagheer lands, finding themselves excluded from the benefits of a settlement which was conferred on all other land-owners of the same class throughout the province, were everywhere much discontented, and serious riots and affrays broke out in various parts of the country.

The village zemindars in Buhuriabad, the jagheer of Benee Ram, were Bais Rajpoots,—a sturdy, stalwart, and independent race. They petitioned the Resident, complaining of the exactions, cruelty, and oppressions of the jagheerdar. At first it appeared that the dispute was merely about the rates of assessment, but it was soon ascertained by the officer whom Mr. Duncan deputed to enquire into the matter, that the real object of the village zemindars was to procure the ejectment of the jagheerdar from the pergunnah. As Mr. Duncan was unable to grant their request, he determined to support the authority of the jagheerdar, but to urge on him the expediency of adopting a policy of conciliation. A guard of sepoys was sent to the head-quarters of Benee Ram Pundit as a kind of moral support of his authority. Soon afterwards, in September, 1789, a serious fight took place between the Bais Rajpoot zemindars and the retainers of the jagheerdar. Several persons were killed and wounded on both sides, and a village burnt to the ground. The villagers, who went to Benares with the dead bodies of their relatives to complain to the Resident, were taken into custody by him, and, after some days' imprisonment, made over to the jagheerdar, who was at the same time most strongly recommended by Mr. Duncan "to make such a settlement with them as might, even to his own immediate loss, conciliate their affections, and reconcile them to his management." The measure had the desired effect; and a few days afterwards, on the 6th December, 1789, the prisoners were released, after delivering a razeenamah, or deed of compromise and satisfaction, expressing themselves entirely satisfied with the revenue settlement of the pergunnah made by the jagheerdar.

After this, the relations of the jagheerdar and zemindars appear to have been mutually satisfactory. No further reports of quarrels or affrays are to be found in the records; and the jagheerdar conferred a lasting benefit to the country by the erection of a large and handsome bridge over the Gangee river.

Subsequent history of the family of Benee Ram.

Benee Ram, on his death, was succeeded by his nephew, and the nephew, on his death, by Bissumbhur Pundit, brother of Benee Ram, who with him had accompanied Warren Hastings on the night of his flight to Chunar. Bissumbhur Pundit died in 1810.

Mr. W. O. Salmon, Collector of Benares, was appointed an Agent to take charge of the collections until reference could be made to Government as to the maintenance or escheat of the jagheer. The widow of the Pundit, however, refused to allow him to enter the pergunnah. The Vice-President in Council, to whom the case was referred by the Furruckabad Board of Commissioners, ruled that the grant to Benee Ram was hereditary, and that the persons entitled by law to succeed should be left to retain undisturbed possession.

After the enactment of Regulation II. of 1819, with regard to the resumption of rent-free holdings, Mr. Robert Barlow, the Ghazeepore Collector, instituted proceedings under the Regulation, and on the 19th April, 1821, declared the jagheer liable to resumption, on the ground that the grant was only to Benee Ram Pundit and the heirs of his body, and that by the admission of Bissumbhur's widow there were no such heirs. No orders were at the time passed by the higher revenue authorities for the resumption of the jagheer, but the widow, feeling the position of the family

insecure, petitioned the Court of Directors. After enquiry from India, the following order of the Court was issued on the 11th July, 1827 :—

Order of Court of Directors of 11th July, 1827.

67. "A Persian sunnud granted to the family, and now in their possession, confers an altumgah or an estate in perpetuity, but in the report of the proceeding transmitted to England the grant was denominated a jagheer, which is only an estate for life. No particular report relative to the grant appears to have been transmitted home, and its confirmation is only to be inferred from the general approbation bestowed upon the whole of the arrangements then made by the British Government in that newly acquired province.

68. "From these particulars it is evident that no consent from England was given to any grant of larger extent than an estate for life or lives. It is clear, however, from the preceding facts that the family to whom the grant was made had reason to consider that it was a grant of more unlimited nature; and it does seem both equitable and expedient that the expectations founded upon such grounds should not be disregarded.

69. "As we fully concur in the sentiment which you have expressed, that a liberal provision should be made for the family, even if the estate were resumed, and as the difference between what would thus be required and the annual value of the land (Rs. 25,000) would probably not be considerable, while it is certain that the family will value much more highly the land than pensions, there appear to be preponderant reasons for allowing them to retain possession of the estate.

70. "The only question which appears to us to admit of doubt is, whether the powers of alienation by gift, sale, or otherwise should be allowed, or whether all the purposes, both of justice and generosity, may not be fulfilled by confirming the possession of the family as long as any person entitled to succeed as heir of kin may exist.

71. "In the event of your confirming the grant to the family, it is absolutely necessary that you should take due security for the protection of the rights of the inferior holders, and we do not consider anything fully adequate to that purpose, except a previous settlement with the ryots by the Collector exactly defining the possession of each, with the assessment which it is to bear, and assuring, by registration, the permanence of the records."

In 1827 the widow of Bissumbhur Pundit died. The estate was attached by the revenue authorities. It was left for a year in possession of the family, at a land revenue of Rs. 27,000, being one-half of the declared rental, but a survey was at once commenced, and a detailed settlement made with the village zemindars at Rs. 42,099.

By the order of the Governor-General of 11th January, 1840, a pension of Rs. 5,000 per annum was granted to Pundits Sheonath and Byjnath, grandsons of a sister of Benee Ram, the only surviving members of his family. On the death of Pundit Byjnath, two-thirds of his pension were allowed to his widow and family. As far as I can ascertain, all pensions granted to the family of these most faithful friends of our Government have now been discontinued. The only survivors are two grandchildren of Pundit Byjnath residing in Benares.

Jagheer of Bundoo Khan.

2. Jagheer of Bundoo Khan, Rs. 2,000.

The account which Warren Hastings, in his letter to the Council, dated 23rd November, 1781, gives of the services of Bundoo Khan is sufficiently interesting to merit insertion :—

"Bundoo Khan, whose name is affixed to a jagheer of Rs. 2,000, annual rent, is an inhabitant of Chunar. He attended Captain Blair in the unfortunate attempt on Ramnuggur, and in the battle fought at Pateeta; and was of much service to that officer on both occasions, by his knowledge of the ground, and by a natural good understanding, which enabled him to apply that knowledge to the incidents before him. This man suggested the expedition, which was afterwards formed, to take

possession of the passes lying behind Lutteefpore by an unknown and secret route, and was himself the guide of the detachment. Although his former services, and that which he offered upon this occasion, were gratuitous, yet, as the success of the enterprise appeared to me, from his description of it, likely to prove the crisis of the war, I thought it advisable to secure his fidelity, and animate his exertions, by such incitements as were likely to operate with the greatest power on a man of his rank and situation in life. I promised him a jagheer, in any part of the Company's dominions of which he should make a choice, to the amount of Rs. 1,000 clear yearly rent, if the enterprise succeeded. The event proved the justice of his advice, and the truth of his representations; and his conduct in the course of it obtained the most favourable testimony of Major Crabb, the officer who commanded the party. On his return to Chunar, I instantly granted him a perwanah for the village of Jelalpore, of which I had allowed him to make choice, situated in the pergunnah of Pateeta. He himself told me that it yielded a revenue exceeding Rs. 1,500, and to prevent future disputes, if it were more, I have inserted it at the round sum of two thousand."

Some time after the date of the above letter, Mr. Hastings, on leaving Benares, at the end of 1781, ordered Mr. Markham, the Resident, on a further request from Bundoo Khan, to pay him in ready money from the treasury, at the rate of Rs. 2,000 per annum, which stipend Bundoo Khan paid again to the Deputy of the Rajah, because the jagheer of Jelalpore was found to produce about Rs. 3,700, instead of Rs. 2,000, at which it had been valued. Bundoo Khan went afterwards to Calcutta to get his ready money allowance converted into land by a grant of the whole village. This Mr. Hastings granted during his visit to Benares in 1784. In accordance with Government Resolution of 2nd April, 1788, the extra allowance of Rs. 2,000 per annum was sanctioned with the condition that "the engagement of the allowance to be for Bundoo Khan's life only." This portion of the Government order appears to have escaped notice, as the village was sold by him before 1820 for Rs. 5,700 to Putnee Mull, a wealthy Benares banker, on whom the title of Rajah was conferred for building the Kurumnassa bridge on the Grand Trunk Road. The village is still owned by Putnee Mull's descendants.

Jagheer of Juggernath Soobahdar.

3. Jagheer of Juggernath Soobahdar, Rs. 1,200.

Juggernath Soobahdar, formerly commandant in the 3rd regiment of sepoys, was strongly recommended to the Governor-General by Colonels Muir and Auchmuty and other officers of rank. The jagheer was bestowed upon him to make provision for his declining years, after he had passed thirty years in faithful and meritorious service. At this period there were no Civil Courts in the province having jurisdiction for causes arising beyond the city of Benares. Poor creditors commonly recovered their debts by sitting *dhurna* at the door of their debtors, while rich and powerful men seized on those who owed them money, imprisoned them in their houses, starved and beat them till they discharged their debts. Juggernath on one occasion adopting this procedure, used so much severity towards his debtor that the man died. This circumstance was reported by Mr. Duncan to Lord Cornwallis, and was the immediate cause of the establishment of the Native Civil Courts of Ghazeepore, Mirzapore, and Jounpore in 1789. Juggernath was stripped of his coat, and on his death occurring soon afterwards, his jagheer was resumed.

Restored to the Rozinadars.

4. Restored to the Rozinadars, Rs. 33,296.

It has been mentioned in the last chapter that Mr. Marriott, when Resident in Benares in 1765, had renewed the grants, and prepared a register of the admitted claims of three hundred and twenty-three Mahomedan families, holders of royal grants, for Rs. 91,00,214 per annum. After the restoration of the Benares province by our Government to the Nawab Vazeer of Oudh in 1765, the Benares Rajahs had discontinued the payment of the pensions. Warren Hastings, on enquiry in 1781, found that of the persons registered by Mr. Marriott, above one-third were absent

or dead. He confirmed for life half the allowances of the persons who attended, which amounted in all to Rs. 33,296-7-0 per annum, but authorized the Rajah, on the death of the pensioners, to resume their pensions.*

By Regulation XXXIV. of 1795, it was enacted that these pensions, as having been originally granted, either wholly or in part, as indemnifications for Ayma or other land resumed under the Native Government, are not to be liable to resumption on the death of the parties who now receive them, but are to be considered as property, and are to descend to the heirs of the present and future receivers, and are declared liable to be sued for and inherited in the same manner as other property.

OLD JAGHEERS.

The Rajah of Benares' Jagheer in Pergunnah Bhudohee.

* 5. Jagheer of the Rajah—half the revenues of Pergunnah Bhudohee.

The history of the Bhudohee pergunnah of the Mirzapore district has been fully narrated in an able and exhaustive report by Mr. W. Duthoit, Deputy Superintendent of the Family Domains of the Rajah of Benares, printed in 1869, but of which unfortunately there are few copies in existence.

The jagheer of half the revenues of Bhudohee was conferred on Rajah Bulwunt Singh in 1755 or 1756 by Shojah-ool-Dowla, Vazeer of Oudh.

This jagheer was confirmed in 1781 by Warren Hastings and a fresh sunnud granted to the Rajah. On the 9th of January, 1783, a lease was given by Mr. Markham, the Resident, for the whole pergunnah to the Rajah in the name of Baboo Dhuleep Singh, his manager.

The total revenue of the pergunnah was estimated at Rs. 3,34,000, and deducting the sanctioned jagheer, the revenue to be paid by the Rajah was fixed at Rs. 1,75,659.

The sum thus fixed for the Rajah's payment has not since been changed, as the Court of Directors, when the question was referred to them, ruled, in their despatch of 19th May, 1790, that the revenue of the Rajah for his jagheer was not to be enhanced. The revenue received at that time by the Rajah from the pergunnah was not less than Rs. 4,12,000; in 1844 it was more than Rs. 6,00,000, and has since much increased. The village zemindars, excluded from the benefit of a detailed settlement in 1789, were year by year oppressed by the constantly increasing exactions of the Rajah, until, at length, their discontents and grievances attracted the attention of Government. Regulation VIII. of 1828 was passed, which, amongst various provisions for the trial of revenue suits in the Rajah's jagheers and family estates, directed that a detailed village settlement should be made by the Rajah with those village owners with whom a settlement would have been made in 1789, if the same procedure had been adopted in those jagheers as in the rest of the province.

The village zemindars who should succeed in establishing their title to ownership, were to have a heritable and transferable interest in their land, and were to be designated *Raie*. The Rajah neglected to carry out the provisions of the law, and on the appointment by Government in 1832 of a special officer (Mr. Valpy) to make the sub-settlement, in many cases resisted the claims of the village zemindars to establish ownership.

In these settlement proceedings, no claims to sub-proprietary rights were admitted unless supported by proof so complete, and so difficult to procure, that in the whole pergunnah of Bhudohee, containing eleven hundred and twenty-two villages,

* Of these pensions Rs. 3,971-6-0 have lapsed to Government under Government Order of 4th August, 1834; Rs. 7,705-1-3 have been commuted for lump sums; Rs. 855-13-6 transferred to other districts; and Rs. 20,764-2-3 are still payable in Benares.

proprietary right was established in only two hundred and forty-one. Of these villages the revenue payable to the Rajah was fixed at Rs. 1,44,413 per annum.

In 1840 these admitted proprietors were designated *munzooreedars*, by which appellation they are now known. In 1843 sales of the estates of the munzooreedars for non-payment of the fixed revenue commenced.

From that period to the present the Rajah has steadily kept in view the object of extinguishing and absorbing the rights of the village zemindars. Arrears have been from time to time allowed to accumulate, and then, on their non-liquidation, when demanded, the tenures of the village zemindars have been sold by auction and bought by the Rajah. In the twelve years before 1857, the Rajah bought in twelve complete mulials and one hundred and twenty-eight portions of muhals. And in 1869 more than 45 per cent. of the estates of the village owners had passed into the hands of the Rajah. The revenue paid by village owners in 1870 was only Rs. 78,228, and year by year the estates of the village zemindars are passing away from their hands. The dispossessed zemindars of Bhudohee are, as might be expected, not only discontented with the administration of the Rajah, but with the Government which supports him. During the disturbances of 1857, the pergunnah of Bhudohee was the only one of the Mirzapore district in which the people became rebels. The murder of that young, but most distinguished public officer, Mr. William Moore, Deputy Superintendent of the Family Domains of the Rajah of Benares, by Jhooree Singh, one of the chiefs of the Monus Rajpoots, the old zemindars, on the 6th July, 1857, gave utterance to that rooted spirit of disloyalty and disaffection which will never cease to exist in the pergunnah till the enactment of some law which will confer security of tenure on the old owners of the soil.

Keyrar Mugror not included in the jagheers of the Rajah of Benares in 1781, A D.

It is worthy of remark that in the arrangements of 1781 the pergunnah of Keyrar Mugror, now in the Mirzapore district, which had been conferred as an altumgah or revenue-free royal grant on Rajah Bulwant Singh by Alumgheer the 2nd, was neither excluded from revenue, nor recognized as the special domain of the Rajah. The royal sunnud and other documents which would have established the title of the Rajah to hold the pergunnah free of revenue had been carried away by Cheyte Singh in his flight, and it was not till 1789 that the Rajah made good his title to exemption from revenue for this extensive and valuable tract of country, which is still in the revenue-free possession of his descendants.

Pergunnah Mahaitch.

6. Pergunnah of Mahaitch, Rs. 60,000.

Pergunnah Mahaitch, in the Ghazeepore District, had been allotted by Rajah Bulwant Singh for the support of his son-in-law Doorbijeih Singh, and during the administration of Rajah Cheyte Singh it still remained in his possession. This jagheer was confirmed in the arrangements of 1781, but when Doorbijeih Singh, as Deputy for the Rajah, failed to discharge the stipulated annual revenue, he was in 1782 expelled from the jagheer land, which was annexed to the general revenue-paying estate of the province. The revenues of the jagheer of Doorbijeih Singh were collected for him by one of the chief Guhurwar Rajpoots, the hereditary zemindars of Mahaitch. Under his management the pergunnah attained a very high degree of prosperity. Mr. Treves, Assistant Resident of Benares, who made the detailed village settlement in 1790, described the country as being "in a more flourishing state than any part of the province of Benares."

7. Jagheer of Ousan Singh in Pergunnah Sydpore Bhitree, Rs. 54,000.

Jagheer of Ousan Singh.

Ousan Singh was for some years the Dewan or Chief Minister of Rajah Bulwant Singh, and on his death it was chiefly through the judicious measures adopted by Ousan Singh that the succession was secured for Cheyte Singh. He was afterwards dismissed from his office, and obliged to fly for his life by the Rajah, whom he mortally offended by refusing to eat with him or admit

him to caste equality, on account of the illegitimacy of his birth. Ousan Singh was taken under the protection and patronage of Warren Hastings, who was at the time bent upon the humiliation, if not the destruction, of Cheyte Singh. He was sent back to Benares in 1777 or 1778, and the Pergunnah of Sydpore Bhitree was procured for him from the Rajah by the Resident, Mr Thomas Graham. He was allowed Rs. 50,000 as a jagheer, Rs. 4,000 on account of the expense of collection, and paid Rs 20,724-11-0 as the revenue of the pergunnah. It has been alleged that it was on account of his devotion to the British Government that Ousan Singh incurred the displeasure of the Rajah, but of the truth of this assertion no evidence is forthcoming, and the account given above of the quarrel, which is taken from the Tawfa-a-Tazah, or Bulwuntnama of Kheir-ool-deen, is in itself more probable, and is confirmed by statements made to me in conversation by Ousan Singh's descendant, the late Rajah Sir Deo Narain Singh, K.C.S.I.

During the troubles of 1781, Ousan Singh possessed the fullest confidence of the Governor-General, and was named by him for the administration of the province, in the event of any interval occurring in the determination of the succession. It does not appear from the narrative of Warren Hastings, who was usually so warm and hearty in his acknowledgment of merit, that any specific services of importance were performed by Ousan Singh; but Sir Edward Colebrook, who accompanied the Governor-General as Persian Translator, has left on record that at the time of their greatest danger Ousan Singh furnished a party of horsemen, who were most useful in protecting the encampment of the Governor-General in Madhoo Dass' garden before the flight to Chunar, and he further states that he knew that Mr. Hastings attributed to the interposition of Ousan Singh the withdrawal of the Ranee and her sons from the influence of Cheyte Singh. The jagheer of Rs. 56,000 was conferred by Warren Hastings in the arrangements of 1781, but the precise nature of the transactions of that and of the following years will be subsequently discussed.

Discontent of village zemindars.

At the time of the detailed village settlement of the province in 1789-90, the village zemindars of Sydpore Bhitree, as of the other jagheers, were excluded from the settlement operations. After the establishment of District Courts, presided over by European Officers, in 1795, they refused any longer to liquidate the demands of the jagheerdar, and appealed for protection to the Judge of Ghazeepore, who warmly espoused their cause. A lengthy controversy took place between Mr. Jacob Rider, the Ghazeepore Judge, and Mr. Routledge, the acting Collector of Benares. Mr. Rider repeated, and expressed his belief in the truth of, the assertions of the village zemindars, that they had long been subject to exactions and oppression, and that by the intrigues of the native ministering officers of the Resident's Court they had been unable to obtain a fair hearing, or even access to the Resident. He argued that the method of levying rents in kind, as practised by the jagheerdar, had been declared illegal in Regulation II. of 1795. The Collector referred the case, through the Revenue Board, to the Governor-General in Council, who declared that the village zemindars were not entitled to zemindaree puttas. The following paragraphs occur in the Resolution of Sir J. Shore and his Councillors, dated 25th August, 1796:—

Government order of 25th August, 1796

"We are not surprised at the attempts made by the malgoozars to obtain the restoration of their lands on the same footing as the other village zemindars in the province who have been reinstated under the Government Regulations.

"You will observe, however, from the late Resident's letter of 25th November, 1790, that the whole of Sydpore Bhitree was expressly excluded from the mofussil settlement formed by him equally with the lands of the Rajah, and also those of the other jagheers in the province.

"You will therefore desire the Collector to notify to the malgoozars that zemindaree puttas, similar to those given to the village zemindars who pay the revenue

immediately to Government, will not be granted to them, and that they are requested to discharge the arrears due to Baboo Ousan Singh, and to continue to pay their rents to him in the same manner as they have always done since the pergunnah was made over to him, and that any resistance to his just claims and authority, or attempts to excite disturbance, will subject them to prosecution and punishment."

Mr. Jacob Rider, the Ghazeepore Judge, was soon afterwards removed from his appointment by Government on account of his constant official disputes with the Collector of Benares. The District Judgeship of Ghazeepore was abolished, and the village zemindars, worsted in their contest, were obliged to submit to the authority of the jagheerdar.

Baboo Sheonarain Singh.

Ousan Singh died in 1800, and was succeeded by his son Sheonarain Singh, who was of much help to the Benares authorities in suppressing the formidable Hindoo and Mahomedan riots of 1811. The Magistrate of the time, Mr. Bird, says, "that he was greatly indebted to Baboo Shiva Narain Singh, jagheerdar of Sydpore Bhitree, the only native of any consequence who had supported him on that occasion. The Baboo protected the bazaars in the city, and through the support he afforded to the police, the corn-markets were unmolested, and the city supplied with corn at the usual price, when no other article of consumption was procurable. The Government expressed their high sense of Baboo Shiva Narain's patriotic conduct, and bestowed a *khilat* on him as a testimony of their approval of his exertions in the maintenance of the public peace.

See Hindoo tribes and castes by Rev. M. A. Sherring.

Sheonarain pursued a steady and relentless policy of exaction, extortion, and expulsion of the owners of the soil from their lands.

In 1818 Ghazeepore was formed into a Collectorate. The first Collector, Mr. R. Barlow, soon after his appointment, came into collision with Baboo Sheonarain about resumption of salt duties in the jagheer, and control of the pergunnah canoongoes.

Enquiries were made as to the origin of the jagheer, and "as to the principles on which the jagheerdar could justify his extensive usurpation and subversion of private rights," which awoke in the minds of the Sydpore zemindars hopes, long dormant, of having the inheritance of their fathers restored to them. Petitions were presented to the Collector by the whole (letter of Commissioner for Behar and Benares, 19th June, 1821) mass of the population, complaining of the exaction of the jagheerdar, and a number of petitions were presented to the Governor-General, some of which stated, in a most lucid and convincing manner, the true limitations of the power of Government in the bestowal of jagheers, namely, that the Government can with justice alienate its own rights, but not the rights of the owners of the soil.

"We," say the petitioners, "are the proprietors of the land and possess proprietary rights thereto; Government is merely entitled to the (letter of Collector, 15th November, 1821) revenue from those lands which are subject to the payment of public dues. Government is at liberty to give away its rights to whomsoever it likes. The proprietary rights to the soil and the rights of any one cannot be made over to another, because it is not allowed by the usage of the country, the Mahomedan or Hindoo law, or any other Regulation."

Investigations as to the perpetuity of the jagheer of Ousan Singh were held by the Collector of Ghazeepore under Regulation II. of 1819, and it was pronounced by him to have been one for life only, not conferring on his family any hereditable or transferable tenure in the pergunnah. This decision was, on appeal, upheld by Sir Edward Colebrook, then Commissioner of Behar and Benares, who, however, recommended Government that Baboo Sheonarain Singh should for life be maintained in possession of the pergunnah.

The government of Lord Amherst decided in 1828 that a detailed village settlement should at once be made with the village zemindars, but offered the jagheerdar for life an allowance of one-half the revenue to be assessed on the pergunnah. The order of Lord Amherst's government, with regard to the total cessation of the jagheerdar's allowance after the death of Sheonarain, was undoubtedly harsh and ungenerous, but this defect was remedied by a subsequent order of the government of Lord William Bentinck, allowing a perpetual grant of one-fourth of the net revenues of the pergunnah to the jagheerdar's family.

In so far as the Government Resolution directed the formation of a village settlement with the actual owners of the soil, it was a most just, wise, and beneficent order.

A Minute on the subject was submitted to Government in 1860, and printed by Mr. William Edwards, then Judge of Benares, the object of which was to prove "that the estates of Sydpore Bhitree were conferred in perpetuity on the family of Ousan Singh, and that they have been resumed under an erroneous impression of the facts of the case, and most unjustly." The same view of the proceedings of 1828 has been adopted by the Rev. M. A. Sherring in his valuable work on the "Hindoo tribes and castes of Benares," published in 1872. To vindicate from the charge of ignorance and injustice the government of Lord Amherst, of which the great Holt Mackenzie was the trusted adviser, I think it will not be out of place to give *in extenso* the Government Resolution of the 13th March, 1828, which is as follows :—

Resolution of Government of 13th March, 1828, A. D.

"It appears that the investigation of the very important case of Sheonarain's right to hold at a fixed jumma in perpetuity the pergunnah of Sydpore Bhitree in Zillah Ghazeepore has been concluded by the revenue authorities, the late acting Member of the Central Board, Sir E. Colebrooke, having confirmed the decision of the Collector of Ghazeepore, passed under Regulation II., 1819, for resumption. Applying, however, the principles of Regulation I., 1815, to the case, and considering the tenure to be in some respects a mokurruree, the Board have annexed to their decision, a recommendation that the advantage of being looked upon as a grantee in possession shall be extended to Sheonarain, so as to leave him in the enjoyment of the tenure for the remainder of his life, or, if this be disallowed, that a money stipend, equivalent to the jagheer assignment, shall be settled upon him for life. This recommendation has brought the case before Government in the present stage of the proceedings upon it; and Government having called for a translation of the Collector's award of resumption, Sheonarain has, in successive petitions, submitted the grounds of his dissatisfaction with the Board's judgment, in the hope of obtaining, through the interposition of Government, an order to stay further proceedings, and leave him in the undisturbed enjoyment of the tenure.

"2. Petitions have likewise been presented on the part of the village zemindars of the pergunnah, who, claiming a direct settlement with Government, are opposed to the pretensions of Sheonarain Singh;—that in English from Syud Ameer Ali and others, recorded above, is of this class.

"3. These conflicting claims, joined to the recommendations of the Board above alluded to, have rendered it necessary for the Governor-General in Council to look into the circumstances of the case, and the grounds of the award for resumption, with a minuteness of enquiry not possible in ordinary cases of the same description. Indeed, as the whole question at issue in this instance has relation to the acts and proceedings of the British Government and its representatives at Benares, it would scarcely have been proper or creditable that the case should have been allowed to proceed further without the opinion of Government being declared as to whether it recognized in Sheonarain any claim to that protection which, if an admitted grantee of Government, he would be entitled to expect at its hands.

"4. The points on which the rights of Sheonarain turn seem to be the following:—

"I.—What precise description of tenure in Sydpore Bhitree was conferred or confirmed by the Governor-General, Warren Hastings, on Ousan Singh, Sheonarain's father?

"II.—Was the tenure thus conferred or confirmed extended at any time by the British Government, so as to involve an alienation of further interests, or to lengthen the period of the original alienation, if limited at first?

"III.—Independently of grants or alienation by the British Government, has Ousan Singh originally, or did he, or has his son since acquired such interest as shall entitle his family to intervene in perpetuity between Government and the village zemindars, the acknowledged proprietors of the soil in Benares?

"5. It seems to the Governor-General in Council that the determination that may be passed on the above three points must rule the whole case, and that no decision can be come to on the Board's recommendation in behalf of Sheonarain without first declaring some opinion on the subject of them.

"6. With respect first to the nature of the grant of Mr. Hastings to Ousan Singh. The original deed of grant, if there was such, is not forthcoming; it is stated by Sheonarain to have been contained in an order written on the face of a putta or sunnud of Rajah Cheyte Singh making over the pergunnahs, with a jumma of Rs. 23,201 payable to the Sircar; and it is alleged that the grant of Cheyte Singh was in perpetuity to Ousan Singh and his heirs, and that Governor-General Hastings confirmed it as such.

"7. The original deed not being produced by Sheonarain, the copy found in the records of the khalsa must be assumed as correct, the same being the best evidence that can be obtained as to the nature of this transaction. Though it is not exactly known, or capable of proof, how and when, or through whom this copy was procured, there is yet reason to believe that it must have found its way into the khalsa record office at the time when Ousan Singh, having come to Calcutta, made application to have his jagheer transferred to his son's name, that being the only occasion, so far as is known to Government, when the tenure of Ousan Singh was any way before the khalsa. In such case, it will have been a copy filed by the grantee himself, and by the terms of which, so far as they limit his title, he must of course be bound.

"8. The deed appears, from the translation annexed to the petition last received from Sheonarain, and from the notice of it in Mr. H. Mackenzie's note and memorandum, to be a *qoul qarar putta*, or engagement for the collection and payment of the revenue in the nature of a farm or ijara, without specification of any period for which the revenue management was to remain in Ousan Singh's hands. The sum of Rs. 50,000 was allowed in deduction from the established revenue, as "mudud khurch" (aid of expenses) for Ousan Singh himself; and the deed bears date Sumbut 1834, Fuslee 1185, or about two or three years before the disturbances which ended in the expulsion of Cheyte Singh. On the face of this, Mr. Hastings is alleged to have signed and sealed an order bearing date the 10th March, 1783, to the following effect:—"Let this remain upheld and confirmed in the former manner."

"9. The proceedings of Government, and more particularly the narrative by Mr. Hastings of the occurrences of Benares, sufficiently prove it to have been his intention to assign to Ousan Singh a jagheer of Rs. 50,000 per annum; consequently, although no sunnud was granted on the part of the British Government for the jagheer, still the sum of Rs. 50,000 being allowed in deduction on this account from the jumma payable by Rajah Maheepnarain for the province in the zemindaree putta given to him, this circumstance, combined with the confirmation of the late Rajah Cheyte Singh's arrangement, may have been looked upon as a more convenient mode of assigning the provision than by special jagheeree sunnud.

"10. The *qoul qarar* of Cheyte Singh is not hereditary in terms, nor would the custom of the country at the time entitle it to be regarded as more than

arrangement for the temporary management of pergunnah Sydpore Bhitree, liable to revision at the option of the hakim or grantor.* The omission of specification, however, joined to the confirmation in general terms by Mr. Hastings, and the use of the term jagheer, would perhaps have the effect of extending the arrangement for the life of the party in whose favour it was made; and if Cheyte Singh's putta be deemed genuine, as well as the order of confirmation by Mr. Hastings thereon, the same might be good evidence of its having been Mr. Hastings' intention that the whole arrangement of Cheyte Singh, as well as the management of the pergunnah at a fixed rent as the jagheer or mudud khurch allowance, should have effect for the life of Ousan Singh. In this view, the tenure would partake of the nature of a life mokurrurce sanctioned by the head of the British Government. This construction is supported by the "Abstract of the jumma, &c., according to the puttas of the farmers for 1188, including the jagheers allowed to the farmers" stated in the note of Mr. Mackenzie to be forthcoming amongst the khalsa records connected with Mr. Hastings' settlement of Benares. The tenure seems to have been regarded in the same light by Mr. J. Duncan, and now by the Central Board, as the ground of their resumption, joined to the recommendation in favour of Sheonarain.

"11. With respect to the second point stated, *viz*, whether being originally a life grant, as above determined, any extension has been at any time made or confirmed by the British Government involving an alienation of further rights or an extension of the period beyond the grantee's life.

"12. The proceedings subsequent to Mr. Hastings' arrangement, up to the date of the perpetual settlement of Benares made by Mr. J. Duncan, will require to be considered, as they concern the acts of the British Government in relation to the tenure, in order to determine this point.

"13. The circumstances dwelt upon by Sheonarain as binding Government to regard the tenure as perpetual are—*first*, that the grant of the zemindaree of Benares was hereditary and perpetual, and the inclusion of the tenure of Ousan Singh in the zimun or detail of Maheepnarain's sunnud entitled it to partake of the same character with the Rajah's own interest.

"14. It cannot be necessary to refute this argument at length. A special arrangement was made with the Rajah of Benares, the particulars of which were recorded in his sunnud or putta. Another special arrangement had been made previously with Ousan Singh, and the latter is therefore recorded, or rather noticed, in the deed of the former, so far as it interfered with, and was incompatible with, the full exercise of the rights and privileges of a zemindar under the putta. The relation of Ousan Singh to the British Government could never be affected by any other arrangement to which Ousan Singh was not a party.

"*Secondly*.—In 1785 the Rajah preferred, through Mr. Fowke, to the British Government a claim to re-assess the pergunnah of Sydpore Bhitree, and, confining the grant to Rs. 50,000 per annum, to demand in lieu of the precise sum of Rs. 23,201 fixed by Cheyte Singh's agreement confirmed by Mr. Hastings, the full jumma of the pergunnah, less Rs. 50,000, the amount of the jagheer. The reversionary interest was not named or alluded to as the subject of claim, which is dwelt upon as a proof that the Benares Rajah did not consider the tenure liable to revert; moreover, while the dispute was pending, a fresh putta is stated to have been obtained from Maheepnarain on the 20th October, 1785,* making grant of the paee baqee receipts, which were the object of contest in perpetuity, 'burace hamesha a salha,' and granting the pergunnah in mokurruree istemraree on a fixed jumma of Rs. 20,724, after deductions. This grant, or rather lease (qoul qarar) putta, (being alleged to be perpetual) is cited as showing the construction then put on the tenure which had been assigned by Cheyte Singh, and confirmed and renewed by Mr. Hastings, in so far as it is presumable that it was intended the grant or lease of the spaee

* 15 Zil Hij, 1193.

baqee' should correspond with the jagheer of Rs. 50,000. Again, on the 30th October, 1785,* a sunnud is stated to have been given by Mr. F. Fowke, under authority from Governor-General Macpherson, constituting the pergunnah specially by word 'kharij jumma Hushoo minha,' and to be held from generation to generation at the fixed jumma, with recitation that the grant is confirmed 'as settled by Mr. Hastings.' Four days after this, *viz.*, on the 3rd November, 1785, a full sunnud corresponding is stated to have been obtained from Rajah Maheepnarain.

* 25th Zil. Hij, 1193.

"15. These transactions, and the deeds produced in support of them, are cited both as constituting an enlargement of the original grant under due sanction of the British Government of the day, and as affording evidence to the character of the original assignment by Mr. Hastings.

"16. A further argument is derived from the circumstance that the Rajah of Benares, throughout the disputes in regard to the surplus collections, never laid claim to the reversion, and was further silent on the subject when objecting to a new grant being issued in the name of Sheonarain. But this may be accounted for, not by supposing him to have looked on the tenure as hereditary and perpetual, but from his knowledge that the reversion was with the British Government, which had excerpted the jagheer out of his zemindaree. He had no right to object to the British Government's renewing the jagheer to Sheonarain, but he was entitled to require that this should not be done on the strength of deeds extorted from himself, or of a fraudulent nature, which also deprived him of his surplus.

"17. It must be evident that the deed of Mr. Fowke, if admitted as genuine, and as granted under the sanction of the Government of the day, must rule the whole case: but the grounds on which it has been rejected by the revenue authorities are strong, and to them may be added the following:—

"18. The sunnud is not in a form that any subordinate officer of the British Government was competent to issue, or was likely to have issued; it partakes of the character of a royal grant requiring the seal and sign-manual of the principal authority in the country, or so clear and undoubted a delegation of authority to make the grant, as shall place beyond the possibility of exception the exercise of such power by the subordinate officer. In the case of Mr. Fowke's sunnud, the original deed is stated to be signed only with initials, and not only is there no authority for his executing it on the part of the British Government to be found on the proceedings of Government at the presidency or in any other public office, but the deed itself does not recite that it is given under the authority of the Government. It quotes a communication from Governor-General Macpherson, which, if in reality made, may have been private; and as Mr. Macpherson never proceeded into the interior carrying with him the full powers of government as Mr. Hastings did, it was not valid or binding as the act of the Government without the concurrence of the Council.

"19. The authenticity of the sunnud is questioned on very strong grounds by the Collector in his proceedings on the case. Even if authentic, it is not, in the opinion of the Governor-General in Council, valid or binding on the Government. It must therefore be set aside, failing any authority officially commissioned to make the grant, as an unwarrantable assumption of a power always rigidly guarded, *viz.*, that of making an alienation in perpetuity of the public lands and public revenue by deed of gift.

"20. Independently therefore of the suspicious circumstances arising from the recency of the Rajah's claim to re-assess the tenure, which claim was still pending before Government when the sunnud and puttas produced are stated to have been granted, and upon which claim proceedings were held in Council very proximately before and after the alleged dates of the deeds, without mention of them of any kind or of their purport, the deed being void, as wanting the due authority for its execution, must be rejected, as of no avail

Proceedings, 24th August, 1785.
The Rajah's claim laid before Government with letter of Mr Fowke, dated 12th July, 1785. Papers called for and furnished by Mr. Fowke in letter dated 27th September, 1785. Recorded on the 17th January, 1786, and the Secretary ordered to report.
N. B.—Mr Fowke resigned on the 26th December, 1785.

to alter the character of the life-tenure granted or conferred by Mr. Hastings. On the part of the British Government, there was nothing in these transactions that could have that effect. Whether Rajah Maheepnarain's puttas could have done so without the participation of the British Government is a different part of the case that will be considered separately.

"21. In February, 1787, Ousan Singh in Calcutta petitioned the head of the British Government as follows :—'That the grant formerly made to me, and for which I have the sunnuds by me under the seal of Mr. Hastings and other gentlemen, Rajah Cheyte Singh and Rajah Maheepnarain, may be confirmed to my son, the servant of the Sircar, under your lordship's seal and signature.'

"22. On this occasion copies of the sunnud and puttas above alluded to were produced at the khalsa office, being to all appearance the identical ones since discovered, and upon the strength of them a proclamation was sent up to Benares for anybody to come forward who might have objections to urge against the issue of a grant to the son of Ousan Singh. The Rajah of Benares objected, and the matter went no further than that his having objected is recorded on the proceedings of the 14th June, 1788, without any translation of the letter, and without any order as to whether a sunnud should be granted to the son or not. Ousan Singh did not renew his petition, and no sunnud was issued. The Rajah's letter objecting has been discovered, and produced in the course of the investigation made under Regulation II., 1819. A translation is annexed to Sheonarain's petition, and an extract is given in the translation of the Collector's proceedings upon the resumption. The translations differ slightly, but adopting that of the Collector, which seems the most correct and intelligible, the Rajah appears to have urged that 'he had at all times enforced his claim in case of any increase of assets; for instance, in the year 1194 Fuslee, Mr. Francis Fowke attached the said pergunnah in enforcement of such claim on account of increased assets (buraee towfeer) and the way the sunnud was obtained. At last, everybody knows I was compelled to conform to that sunnud;' and the Collector adds that the word used implies duress; it is unfortunately not given.

"23. It is first necessary to remark that the attachment alluded to must have occurred in 1193, if made by Mr. Fowke, for he resigned in December, 1785, before the commencement of 1194,—indeed within two months of the date of the sunnud in question, which is of 1193. The figures 3 and 4 are so nearly alike in Persian that an error may easily have occurred in transcribing, if there was no original inadvertence or want of recollection in the writer of the letter. The argument therefore derived from the continuance of the dispute for surplus rent, *notwithstanding* the sunnud, is of no avail; it is indeed inconsistent with both the Rajah's puttas, which, as well separately as under the name of paee baqee, especially make the grant of the surplus in dispute. Why the Rajah's assertion of compulsion having been used was not enquired into it is impossible at this time of day to ascertain; the result, however, having been that the application of Ousan Singh for a grant in his son's name was not acceded to by the British Government, and the matter having dropped by the neglect of Ousan Singh, it cannot be maintained that there was anything in this part of the proceedings to change the character of Mr. Hastings' life-grant, or to bind the British Government to continue the tenure to the son of Ousan Sing.

"24. The application for renewal is dwelt upon by the Collector as evidence that Ousan Singh deemed himself to possess then only a life-grant from the British Government. To rebut this it is stated that the object was to secure the sole inheritance to Sheonerain in exclusion of his brothers. No such object is to be gathered from the terms of the application; but on the contrary the inference from them seems to be that Ousan Singh solicited a Government confirmation of the succession on the ground of sunnuds granted by others, to none of which up to that date had the Government confirmation been affixed. His not prosecuting the application after the sunnuds had

been impeached as obtained by compulsion, is a circumstance that must operate against him and his son.

"25. Next for Mr. Duncan's perpetual settlement in 1790, which included a notice of Syudpore Bhitree in the following words :—

"'Syudpore Bhitree, Rs. 20,754-11-7-8. This jumma is only a small proportion of the revenue of the pergunnah, the rest of which, to the amount of Rs. 54,304, is held by Baboo Ousan Singh in jagheer, as originally *deducted and allowed for in Mr. Hastings' permanent settlement* with Maheepnarain. This jagheerdar *manages also and pays* the revenue part of the district, and as it is so small, and making a mofussil settlement of it would prove an unpleasing interference to Ousan Singh, who is one of the most respectable men in the country, I have not therefore thought it necessary to trouble him on the subject.'

"26. From this it would appear that Mr. Duncan considered it quite open to him to have made a mofussil settlement of the revenue portion of the pergunnah, but not of the lands assigned by Mr. Hastings in jagheer. The British Government had by the resignation of Maheepnarain come into the exercise of the Rajah's rights in respect to settlements and assessments. Mr. Duncan refrained from exercising these rights from deference to character only, and his moderation was approved by Government. Two things are evident from this view of the subject :—

"*First.*—That the British Government standing in the Rajah's place were deemed by Mr. Duncan competent to have claimed the excess revenue beyond the jagheer,—that is, to have exercised the right claimed all along by Maheepnarain, but either defeated up to that time by the intrigues of Ousan Singh, or lost through the reluctance of the Government of the day to pass a decision on the Rajah's claim that should place Ousan Singh in his power. The right was not enforced by Government in deference to character, whereby the arrangement was allowed to stand, as well for the jagheer as for the revenue lands, on the footing on which it was placed by Mr. Hastings. *Secondly.*—That either Mr. Duncan knew not of the existence of Mr. Fowke's and Rajah Maheepnarain's sunnuds granting the pergunnah in perpetuity with the paee baqee in full property, or, knowing of them, placed them wholly aside as of no effect upon the arrangements of Mr. Hastings, which alone are referred to. Now it is difficult to conceive Mr. Duncan ignorant of the existence of these title-deeds, for he was in charge of the khalsa office when Ousan Singh applied for a new sunnud in his son's name on the ground of them, and lodged copies in that office. The inference is thence complete, that he set the sunnuds of 1785 wholly aside as a ground of title, being informed, as he must necessarily have been from his residence at Benares and frequent communication with the parties, of the circumstances alluded to by the Rajah in his letter objecting to the renewed grant to Sheonerain as reasons why they should not be admitted.

Proceedings, 30th April, 1787.
Present.—Mr. Jonathan Duncan, Preparer of Reports to the Revenue Department.
Read the following petition, &c., (from Ousan Singh, Baboo.)

"27. The proceedings therefore at the time of the general settlement of the province of Benares, instead of being of such a nature as to confirm the tenure claimed to have been then held by Ousan Singh under these sunnuds, were plainly of a contrary character, leaving the pergunnah to remain, as well as the jagheer and the management of the revenue muhals, on the footing on which it was placed by Mr. Hastings,—that is, as a personal or life-interest assigned to Ousan Singh. Such an interest could not outlive Ousan Singh unless regranted by the Government to his son, which was never done.

"28. The letter of Government, dated 5th August, 1796, forbidding interference with the mofussil zemindars of Syudpore Bhitree was consistent with the resolution adopted at the general settlement, for Ousan Singh, out of respect to whom Government had refrained from interfering, was then alive.

"29. The only further circumstance deserving notice as bearing against the British Government is the long period for which Sheonarain has been allowed to hold the tenure without challenge on the part of the revenue authorities, whose duty it was to assert the right of resumption. It appears that on two occasions, once in 1818 and again in 1820, the Collectors of Benares and Ghazeepore solicited of the Board permission to subject the tenure to investigation, but the Board, not satisfied with the *primâ facie* grounds for enquiry stated by the Collectors, refused their sanction. It does not appear that on the death of Ousan Singh in 1800 any steps were taken to enquire into, and bring to decision, the right of Sheonarain to succeed to the jagheer. The rule of section 5, Regulation XLII., 1795, in regard to jagheers was not then observed, though, as the tenure stood under that name, it was the Collector's duty to have applied it. The tenure has never been formally admitted then or since after investigation, and the previous orders of the Revenue Board disallowing investigation, as they did not preclude the institution of enquiry when a sufficient *primâ facie* case might be made out by the Collector, so neither can they affect the decision on the merits according to the result of the enquiry.

"30. The length of undisturbed possession may be a ground for indulgence towards the individual, and it is accordingly urged as such in the recommendation of the Central Board in Sheonarain's favour, but it cannot alter the real character of the tenure granted by Mr. Hastings, and to which Sheonarain has succeeded, as it would appear, without due title.

"31. It remained to advert to the third ground stated at the commencement of this Resolution, *viz.*, whether, independently of grants and alienations by the British Government, Ousan Singh had originally, or has subsequently, acquired such an interest as entitles his family to intervene perpetually between Government and the village zemindars of Syudpore Bhitree.

"32. If Ousan Singh had been an ancient rajah or talookdar, to whom Cheyte Singh merely confirmed his tenure on the terms stated in the engagement, that would of course give him a claim to continue; but nothing of the kind is attempted to be proved, and there is reason to believe Ousan Singh's connection with the pergunnah began as manager on the part of the Benares Rajah. His name is entered as a managing farmer in the abstract of Mr. Hastings' proceedings in the settlement of the province quoted by Mr. H. Mackenzie at the commencement of his memorandum. Mr. Duncan also speaks of him only as in the management of the revenue part of the pergunnah. On the part of Sheonarain, however, it is pleaded that Ousan Singh's tenure was placed on the same footing as those enjoyed by the Rajah and his relations, and is similarly excluded from Maheepnarain's putta; that therefore, although derived from Cheyte Singh in the manner stated, and not an ancient tenure, it is in this respect in the same predicament, and entitled to be maintained like theirs as hereditary and perpetual. Were it the case that the tenures alluded to rested on no basis but the notice of them in the Government putta to Maheepnarain, the argument would be good; but in every one of them there have been deeds, negotiations, and distinct proceedings of the British Government in regard to most,—indeed, there are stipulations making the maintenance of the tenures a condition of Rajah Maheepnarain's or of his family's relinquishment of the revenue management of the country.

"33. Each one of the tenures in question rests on its own merits as having been confirmed or guaranteed by the British Government. But Sheonarain having no such guarantee, cannot claim for his tenure an equal stability with those which have been so specially confirmed. Without the confirmation of the British Government, the mere possession in management, with a life jagheer attached, will not *per se* constitute a perpetual tenure, barring for ever the right of the proprietors to a direct engagement with the Government.

"34. Much stress is laid by Sheonarain upon Maheepnarain's first putta or engagement assigning the "paee baqee," and it is argued as if this deed was unimpeached. It is true that the notice issued in 1787 did not specify this sunnud, but stated Ousan Singh's application to be founded on the sunnud of Mr. Fowke, and on Maheepnarain's putta of four days' subsequent date, which being more enlarged in terms, and more clearly perpetual, were more properly cited for the purpose required; consequently the objection offered by the Rajah on the ground of the putta having been extorted from him, does not specially apply to this putta. But though exempt from this imputation, it is not the less open to suspicion on the other grounds urged by the Collector, as stated above,—*first*, as bearing date while the Rajah was claiming of the Government leave to demand the surplus collections beyond the jagheer assigned over to Mr. Hastings, upon which claim proceedings were still pending.

Dated 15th Zil. Hij. 1193; 19th or 20th Octr., 1785.

"*Secondly.*—As inconsistent with that claim, for the deed assigns over the matter in dispute.

"*Thirdly,*—As being so proximate in date to the deed of Mr. Fowke and the confirmatory putta said to have been extorted, as evidently to be part of the same transaction, fourteen days only being the space intervening.

"*Fourthly.*—Because apparently disregarded and set aside by Mr. Jonathan Duncan, who, in reporting on his settlements, cited only Mr. Hastings' proceedings, and calls Ousan Singh a jagheerdar and manager, notwithstanding that, from his previous connection with the khalsa in Calcutta, he must necessarily have been aware of the existence of this deed as well as of the other puttas.

"35. These grounds, independently of those noticed by the Collector as arising out of the evidence and derived from examination of the original deeds, seem to the Governor-General in Council to warrant the rejection of the putta in question; but even supposing it to be genuine, such a grant made without the sanction and confirmation of the British Government would not, in the opinion of the Governor-General in Council, be valid as against the Government, unless it had been brought to notice by Maheepnarain when transferring the country, and was then recognized; which does not appear to have been the case. Considering the state of dependence in which Maheepnarain was placed, so much so that he did not feel competent to interfere in the internal management, and demand from Ousan Singh the surplus collections beyond the amount of the jagheer, without a special reference to the British Government, it is too much to maintain that, being himself a zemindar under an arrangement nominally perpetual, he could enlarge and make hereditary a grant of the same authority from which he held his zemindaree, or in any way alienate in perpetuity without the knowledge or sanction of Government, and that in such a manner as that the matter would not be liable to review when, for failure in the conditions of the zemindaree tenure, the same might be taken again by Government under its direct management, as was the case with the zemindaree of Maheepnarian for the Benares Province. On the whole, therefore, the Governor-General in Council has no hesitation in deciding that the putta produced from Maheepnarain was insufficient to create a zemindaree tenure in the pergunnah Syudpore Bhitree, such as should protect it from resumption by the British Government on the expiration of the jagheer granted to Ousan Singh. Notwithstanding the transactions of 1785, therefore, Ousan Singh continued still only as a jagheerdar and life manager over the pergunnah.

"36. The very guarded manner in which the pergunnah of Syudpore is mentioned in Mr. Jonathan Duncan's report on the general settlement of Benares, precludes any reliance being placed on that arrangement as having altered in any respect the tenure by which Ousan Singh held. It must consequently be determined in the same manner as has above been decided in respect to a Government alienation, that neither as the alienee or grantee of Government, nor as a privileged talookdar, is Sheonarain entitled to intervence between Government and the real proprietors of the land.

"37. It only remains to consider how far Sheonarain has, from length of possession or from his father's services, a claim to special consideration and indulgence. It is always an invidious duty, and one that Government performs with reluctance, to eject a long-established family from a tenure which has been its main dependence for support in a condition suitable to its rank, but the necessities of the public service must make the Government cautious in yielding to the impulse of generosity, which it would in other circumstances be so very gratifying to indulge.

"38. The families of Muneer-ool-dowla and of Shitab Rae have been deprived of the succession to their possessions not heritable by the deeds of assignment, and having so dealt with those families, the Governor-General in Council does not see how it will be possible, without a sacrifice of consistency, to allow Sheonarain to retain the Syudpore Bhitree jagheer, now that the pergunnah has been declared liable to resumption and settlement with proprietors. There is too much ground to conclude that the tenure has been maintained hitherto by intrigue and fraud. The village zemindars are claimants for release from subjection to Sheonarain, and after it has been decided upon full investigation that he has no title to intervence between them, it would be injustice to them to renew the tenure for the life of Sheonarain.

"39. The Governor-General in Council accordingly resolves that the tenure shall be resumed, and that a settlement shall be made with the zemindars from the commencement of the ensuing fuslee year. Nevertheless the Governor-General in Council does not desire that the family of Ousan Singh shall be reduced at once to a state of destitution after having been so long encouraged to maintain a rank and condition suitable to the influence and possessions of their ancestors. He accordingly resolves that when the mofussil settlement of Syudpore Bhitree shall be concluded, a moiety of the jumma that may be assessed shall be assigned to Sheonarain for his life, subject of course to the approval of the Honourable the Court of Directors, for the maintenance of the family in respectability and affluence, provided that he submits to the decision passed by the revenue authorities. If he should resolve on contesting it, he will of course forfeit every claim upon the indulgence of Government, and the Collector must proceed to enforce the realization of the public dues according to the strict letter of the Regulations, disallowing the claim of Sheonerain to interfere further in the management of the pergunnah."

The Government Resolution of 29th June, 1830.

Baboo Sheonarain refused to acquiesce in the Government order for the resumption of his jagheer and for his dispossession from the pergunnah, and instituted proceedings in the Civil Court to set aside the decision of the revenue authorities. At this time Lord William Bentinck succeeded Lord Amherst. The sympathies of the new Governor-General for the village owners were perhaps not so strong as had been those of his predecessor, but the policy adopted by him towards our feudatories, the Native Princes of Hindoostan, was characterized by more generosity and gratitude for past services. In the Government Resolution of 29th June, 1830, by which the provisions of Regulation III. of 1828 were extended to the province of Benares, and the special Commissioner of Patna vested with jurisdiction for the trial of appeals from the decision of the revenue officers in resumptions of revenue-free tenures, the following order was passed in the Syudpore jagheer case :—

3rd.—"His Lordship in Council directs me to take this opportunity of forwarding to you in original the accompanying translations of a petition presented to His Lordship during his last tour by Baboo Sheonarain Singh, complaining of the orders of Government of the 13th March, 1828, for resuming the pergunnah of Syudpore Bhitree in the district of Ghazeepore.

4th.—"The district, you will observe, is one of those to which it has now been resolved to extend the provisions of Regulation III., 1828, but His Lordship in Council deems it desirablet o obviate any mistaken notion that might be taken as to its

extension being designed to operate on any individual case. For this reason, as well as from being inclined to treat the family of the petitioner with all possible consideration consistent with a due regard to the public interest, the Governor-General in Council has been pleased to determine that his former resolution shall be modified as follows :—

"*5th*—You are hereby authorized and requested to conclude a settlement with Sheonarain Singh for the pergunnah of Syudpore Bhitree, on his agreeing to pay a jumma reduced 25 per cent. below the assessment which would otherwise have been fixed. In other words, the Government propose to relinquish to him one-fourth of the net jumma of the pergunnah.

"*6th.*—You are empowered to grant him a mokurruree istimrarce sunnud, conferring the tenure to himself and his descendants in perpetuity on payment of the reduced rates of jumma above ordered. This arrangement will of course be subject to the confirmation of the Honourable the Court of Directors.

"*7th.*—In consideration also of the length of time during which the family of Sheonarain Singh have exercised influence in this pergunnah, His Lordship in Council is desirous of showing them every consideration which is consistent with the rights of other classes ; and he accordingly resolves that Sheonarain Singh shall be constituted tuhseeldar of the pergunnah, and that the office shall be hereditary and devolve on his descendants, to be exercised by him and them so long as they shall not infringe the privileges which may be found to belong to any other classes at the time of the formation of this settlement.

"*8th.*—For the purpose of making the settlement, you will employ either the local Collector or any other revenue officer whose services may be available, and in whom you may have confidence. But the officer should be selected with reference to his qualifications, as it is to be apprehended that Sheonarain Singh may object to the terms on which it is proposed to conduct the arrangement; and that in its details also the exercise of much judgment and discrimination may be necessary in maintaining the rights of subordinate tenants, and the reconciling the superior to the admission of such privileges.

"*9th.*—You will instruct the officer to whom this duty may be entrusted that he should carefully examine all claims which may be preferred to distinct subordinate tenures, whether the claim be urged as malik, zemindar, puttoedarce, or other demonstrations of tenure involving the right of hereditary occupancy; and whenever it may be established to his satisfaction that the party preferring such claim is entitled to hold his tenure as a proprietor at a fixed jumma with right of alienation, he should confer on him a putta to that effect. Claims of this description should of course not be admitted without the most satisfactory proof of their validity.

"*10th.*—He should consider it his duty also to make a record of all persons who may at the time of the settlement prove to his satisfaction their claim to any property in, or to possession of, the soil by a fixed hereditary tenure, though unaccompanied by any right to hold the land as an independent tenure; and he should distinguish as accurately as possible the real tenure and extent of the interests of such claimants.

"*11th.*—Sheonarain Singh will be distinctly informed that, as indispensable conditions to his obtaining the indulgence now contemplated, he will be required immediately to withdraw the suit which he is understood to have instituted for a reversal of the order resuming his tenure, and to furnish through the Agent of the Governor-General at Benares a written engagement that he will maintain the rights of any subordinate tenure who may be determined to possess them by the officer making the settlement.

"*12th.*—It shall also be distinctly intimated to him, and recorded in the tuhseeldarce perwanah, that any attempt on his part to levy from the recorded proprietors a larger sum than is properly demanded from them, or otherwise to infringe the privileges ascertained to belong to the inferior classes of proprietors or tenants, will immediately

be followed by the resumption of his office and by the substitution of another arrangement for making the collections from such persons."

Baboo Hurnarain Singh.

Baboo Sheonarain died soon after the issue of this order and before he had finally accepted the offer of Government. He was succeeded by his son Hurnarain, who accepted the proposal of Government.

The final Government order in the case bears date the 14th February, 1831, and is based on a memorandum or agreement of compromise, dated 13th September, 1831. It contains the following paragraphs:—

"7. Hurnarain, his next heir, must be considered in the light of a zemindar of the entire pergunnah, paying a mokurruree jumma to Government without the intervention of a tuhseeldar, and in his capacity of a malgoozar entitled to all the aids and facilities which the Regulations afford to that class of persons.

"8. On the conclusion of the detailed settlement, and the separation from the zemindaree of any village in which a distinct proprietary right may be established in favour of their individuals, he will be appointed hereditary tuhseeldar of such villages, obtaining a istimraree putta as zemindar for the remainder at the jumma (taking the Government proportion at three-fourths of the rental) which, on investigation of its resources, the estate may be found to yield. Nor does His Lordship think it necessary that in their capacity of tuhseeldar any special rules should be applied to the heirs of the late jagheerdar."

Discrepancy between the orders of Government of 1830 A.D. and 1831 A.D.

It may be observed that between the provisions of the order of June 29th, 1830, and that of 14th February, 1831, there is a certain discrepancy, as by the first order the jagheerdar was to receive one-fourth of the net collections, and by the second order Government was to receive three-fourths of the gross collection, all expenses of collection being borne by the hereditary tuhseeldar. Baboo Hurnarain, after the completion of the detached village settlement, definitely refused the office of hereditary tuhseeldar of the pergunnah. The Government of the North-Western Provinces, by their order of 19th October, 1837, sanctioned, on the recommendation of the Revenue Board, the more liberal allowance of the Resolution of 1830, and allowed the mokurrureedar, as he was styled, one-fourth of the net collection.

Settlement proceedings in Syudpore Bhitree. Mr. R. M. Bird's instructions.

The settlement operations in Syudpore Bhitree were commenced under the directions of the Goruckpore Commissioner, Mr. Robert Mertins Bird, by Mr. (now Sir Henry) Lushington, and were most ably conducted.

The following extract from Mr. Bird's instructions to the Settlement Officer, dated 30th December, 1831, appears to merit preservation:—

"3. Where any persons may prove a right to have any intermediate settlement made them as village maliks, that Government settlement will of course be made with such persons, with a reservation of all the rights of actual cultivation.

"4. Where no such persons are found, the settlement will be made with the ryot, from whom the rent will be collected by the mokurrureedar.

"5. The course of your proceeding, then, is evidently to commence from the fields, and to asceratin and record, after the mode already in operation under your direction, the cultivated area and actual rents of each village.

"6. Wherever such rents so ascertained appear to have been levied without dispute, no further enquiry is necessary, and the sum of these rents will be the jaidad (assets) of the mouzah. It will then only be requisite to declare that the recorded rent is the whole amount which the cultivator is liable to pay, and that no kind of abwabs (extra cesses) will be allowed.

"7. Should any objection be made to the rates of rents as at present demanded, an investigation will of course become necessary, and any exorbitant and arbitrary demands must be reduced. Above all, no percentages or extra cesses must be allowed to remain, but whatever sum may be set down as rent must be the whole amount for which the cultivator is liable.

"8. The jaidad being ascertained, where no claim of proprietary right is advanced or admitted, the record of this jaidad becomes the rent-roll of the mouzah as far as the present cultivated area is concerned, and the mokurrureodar will be at liberty to collect accordingly.

"9. Where a claim of proprietary right is advanced, it must be judicially investigated in the presence of the parties or their agent, the mokurrureodar being of course the constant defendant, and having the right to sift the evidence of the claimant, and produce proof on the contrary part.

"10. I apprehend that in most cases the matter to be investigated will be the condition of possession and the status of the claimant. If the claimant can show by a preponderance of proof that he was at the time of the perpetual settlement so situated, that had the settlement of the pergunnah been then made he would have been admitted to engage, in that case he must now be admitted.

"11. It may possibly occur that among those who may claim proprietary rights there may be found persons who, on account of the respectability of their families, have been immemorially or for long periods allowed to hold lands at favoured rates. If such persons should prove their rights, the lands in question will of course be rated at their actual value as a revenue asset; should their claim not be admitted, it would not be proper to admit the rents of such land to be enhanced.

"12. I need hardly observe that the holding lands at a favoured rate, on consideration of the holder being proprietor, is one of the strongest proofs which can be adduced to establish his right.

"13. The settlement with the village proprietors will of course be made with the usual deductions in their favour.

"What has been found fair in other cases is 15 per cent. for expenses, including putwarees' fees, and from 20 to 25 per cent., or in some cases 30 per cent., on the net rental after deducting expenses."

Mr. H. Lushington's settlement.

Mr. Lushington's proceedings were most vigorous, and by the 16th November, 1832, he was able to report the conclusion of a summary settlement of the pergunnah.

In one hundred and sixty-six muhals, containing nearly 600 villages, the village zemindars established proprietary rights.

The revenue assessed upon them was Rs. 1,28,960. Twelve muhals, of which the gross revenue was Rs. 22,840, were settled with the former jagheerdar at a reduced revenue of Rs. 17,130. The total amount of the annual pension secured to the ex-jagheerdar by Government order No. 494 of 19th October, 1837, after deducting the charges of collection, was Rs. 30,612-8-0 for the villages settled with zemindars, and Rs. 5,710 for the villages settled with him, in all Rs. 36,322-8-0.

The settlement of Mr. Lushington, which was concluded for twenty years, was afterwards declared perpetual in conformity with Regulation LII. of 1795, by order of the Governor-General,—North-Western Provinces No. 741 of 17th June, 1839.

The Syudpore Bhitree village statements now in the office of the Collector of Ghazeepore contain full and detailed observations as to the circumstances of every village in the pergunnah in Mr. Lushington's handwriting, which prove with how much industry, ability and care he conducted his operations. The settlement operations in Syudpore form a most pleasing contrast to the feebleness and indecision of

Mr. Valpy's proceedings in Bhudohee, and the result has been that in Syudpore there is prosperity, contentment, and general loyalty; in Bhudohee poverty and disaffection.

Mr. H. Lushington's Settlement Report of the 15th May, 1834, contains much information of permanent value as to the tenures of the pergunnah, the village system established by him, and the rights and liabilities of cultivators. No apology is needed for giving in full a report so able and so interesting:—

"I have the honour to inform you that the settlement of Pergunnah Syudpore Bhitree has been concluded, and that as soon as final orders shall have been received respecting the jagheerdars' sunnud, there will be nothing to prevent my making over the record to the Collector of Ghazeepore, and proceeding to join my appointment at Moradabad. Adverting to the last clause of the 44th para. of the Suddur Board's printed letter, dated 27th September, 1833, the English statements only are submitted with this report.

"2. It is by no means clear to me how I ought to proceed. Were I to write upon every subject which appears to me worthy of comment I might occupy your time unnecessarily, and might be led into the discussion of questions which have long ago been set at rest; on the other hand, it will probably be expected that I should submit some explanation of the principles upon which my proceedings have been conducted. Whilst, therefore, I profess my readiness to furnish any information which may be required upon points connected with the settlement, I shall at present confine myself to such observations as appear to be indispensable.

"3. I shall notice—1st, the order and nature of my official proceedings; 2ndly, the rights of Government; 3rdly, the rights of the zemindars; 4thly, the rights of ryots not being zemindars; and 5thly, I shall offer any remarks which at the time may occur to me.

Method of Mr. Lushington's proceedings.

"4. You are aware that the first step towards the settlement of Syudpore Bhitree, *viz.*, the measurement, was taken before the system lately promulgated had been decided upon. Hence the field-maps and khusrahs of the native ameens, with a mass of detail now declared superfluous; whilst the principles upon which the rights of all parties have been determined and the forms of report are made in accordance with the instructions lately issued.

"5. These maps were all prepared under the superintendence of a mohtesil, and although his assistance was valuable, yet verification, and other duties immediately connected with the measurement entirely occupied me during the season of 1831-32 more time than the work was worth. The maps may not in every instance be so perfect as they might be; neither are they so useless as high authorities have declared all similar documents to be. As far as regards cultivated land they are efficient, and serve to point out clearly the limits of villages and jotes, but in regard to waste lands near the boundary, they are not efficient; and upon this subject I shall hereafter have occasion to offer a few observations.

"6. Though not strictly belonging to the "order and nature" of my proceedings, yet it does not occur to me that any better opportunity will offer itself of explaining the principle upon which the endless boundary disputes of Syudpore Bhitree have been decided. Their number and character will be appreciated after the consideration that five or six hundred villages have been for nearly sixty years undergoing a process of amalgamation, and that uncertainty and confusion were not likely to moderate the claims of those who were declared to possess proprietary rights in these half unknown villages. The number of these cases was, in the first place, decreased simply by postponing them, until by the decision of all zemindaree claims it should become known what cases required investigation. It would have been superfluous to make a judicial enquiry into the boundaries of two villages which might ultimately form parts of one *muhal*. Those which remained presented claims so wild and extravagant as to betray at first

sight the ignorance or cupidity of the parties who advanced them, and after due experience of their general character I determined to adhere to the late jagheerdar's boundaries as exhibited by the putwarees' jummabundees. Although in some instances the area of a village may now differ from what it was before the pergunnahs were given to Ausan Singh, yet I am satisfied that upon the whole the arrangement was a good one, relieving me from an immense labour which could never have been brought to a successful termination, and, generally speaking, satisfying the zemindars themselves. These observations do not apply to such cases as were brought to my notice by petition; to these I paid more attention, and applied the above principle only when I found none better upon which to decide the question.

"7. The resumption or confirmation of lakhiraj tenures come next. Wherever the quantity of land was considerable, the question was decided according to the laws, without any unreasonable severity in their application; but I allowed myself greater latitude in the smaller tenures, abstaining from the assessment of some because the holders had no other means of livelihood, and had long been enjoying uninterrupted possession, and of others because, from religious or similar motives, the inhabitants of the district universally desired the indulgence.

"8. I take this opportunity of mentioning that no mokurruree jumma has been maintained. By your letter of the 22nd August, 1832, Regulation I. of 1815 was interpreted and applied to these pergunnahs: accordingly wherever a mokurrureedar has been retained in possession, he has been required to pay a jumma calculated upon the assets of his estate. The principle upon which their claims to possession has been determined is this. Whenever any talookdar or other such landholder could prove that he had, under due authority from the ruling power, obtained *bonâ fide* possession of any property previous to the accession of the Company to the province of Benares, and that he had remained in possession up to the present time, then such party has been considered entitled to engage with Government, even to the exclusion of the original village zemindars.

"9. My attention was next directed to the investigation of claims to proprietary rights in each of the villages, and it proved the most arduous and laborious duty of the whole settlement. There were nearly 500 of these cases on the file, and although one investigation often decided several, yet it was a formidable list to get through. I have presided in a Civil Court, and can assure you that the formality and deliberateness which characterized its proceedings have been equalled in conducting the above enquiries, whilst it is to be hoped that my local information made me a better judge of the rights of the suitors than any merely judicial officer could have been. The work was not entirely finished until the close of the rainy season in 1833, and, as I suppose it is a duty peculiar to the settlement upon which I have been engaged, the time it occupied ought to be taken into consideration.

"10. It would be very superfluous in this place to discuss how far the laws of 1795 and subsequent years were suited to these investigations. After much reflection and attention I came to the conclusion that, if the letter of the law, as I read it, were rigorously adhered to, very few persons would attain those rights which they conscientiously believed themselves entitled to, and of which it would have been a solemn mockery to deprive them, after all that has been written respecting the reinstatement of the former zemindars.

"I therefore allowed myself as much latitude as was consistent with due obedience to legal enactments, and I aimed at discovering rather who the real village proprietors were, than who had paid the malgoozaree after the fuslee year 1182.

"The difficulty of discovering to whom some of the *be-cheeraghee* villages belonged has in many instances been insuperable; but I feel the satisfactory conviction that in very few cases, if indeed in any, has a family failed in recovering their principal hereditary residence.

"11. After recording in what family the proprietary right of each village lay, it was necessary to ascertain the shares of each member of it. To have attempted this by regular judicial enquiry would have been a fruitless waste of time, and would have ended in total failure. The *number* of these cases would have been such as to baffle any attempt to estimate the time which their investigation would require, whilst the claims themselves were of a *nature* which would scarcely have admitted of satisfactory legal proof.

"12. The system I did adopt has answered admirably, though it gave me no little trouble to set it going: I explained, as has on a former occasion been reported to Government, the impossibility of my declaring the exact interest of each of some hundred zemindars in every village, and I persuaded them to submit their cases to arbitration. When once some half-dozen had procured an amicable adjustment of their differences, the whole pergunnah followed like a flock of sheep. The *punchayet* became their court, and I had only to superintend their proceedings. Had it been otherwise, the settlement could not have been concluded for several years.

"13. These shares, however, have of necessity been recorded in the fractions of a rupee. It would have been more agreeable to the zemindars, and to the Rajpoots especially, to have received their separate puttees in land; but all memory of such ancient divisions having been lost during the jahgeerdar's possession, and each individual adhering as tenaciously to his *jote* as to his *hissa*, it became impossible to revive them, and the estates of Pergunnah Syudpore Bhitree belong consequently to the class now distinguished, if I understand rightly, by the name of *zemindaree*.

"This subject will, however, be again alluded to when I come to consider the rights of the zemindars.

"14. Having by this time obtained all the local information I could procure, and become familiar with most villages in the district, I proceeded to the assessment, and thence to the selection of the persons who were to engage with Government. Considering that they were all *zemindaree* estates, properly speaking, and that the cultivation of a putteedar never had the slightest reference to the amount of his share, it would have been the best arrangement to have nominated only one or two lumberdars, whose proceedings would then have been efficiently checked by the great body of the putteedars. The engaging parties would have resembled the surbarakars of Pergunnah *Kurrenda* (see Regulation V. of 1795) in Zillah Ghazeepore; and there would have been no danger of the estate being brought to sale for arrears of revenue accruing on account of internal quarrels.

"This they would not accede to: every one was determined to be himself a headman, and I was frequently compelled to enter some eight or ten names in the Kubooliyat, because they unanimously declared, that under no other circumstances would the demand of Government be realized. The inconvenience of numerous lumberdars when the collections are made jointly is palpable; but the machine has been in motion from the commencement of the present fuslee year 1241, and, with some exceptions, I am happy to find that my fears had overrated the evil.

"15. This appears to be a fit place for what observations may be necessary respecting the division of villages into uslee and dakhlee.

"There is no list, no record, by which the division could be made without contradicting some other of equal value.

"The list on the back of the late jagheerdar's sunnud would be partially useful for this purpose, but I have been obliged to reject it. The canoongoes have lists in plenty, but it is very seldom that two of them give the same account of one muhal.

"During the investigations of zemindaree claims, it was either ridiculous or disgraceful to see the conflicting reports which they submitted.

"The distinction of uslee from dakhlee villages, is, I presume, in itself of no importance whatever, provided that no necessary information respecting each be omitted. I shall not therefore detain you by explaining *why* the aforesaid lists cannot be applied, but proceed to the second subject which I proposed to notice in this letter.

The Rights of Government.

"16. Long before the enactment of Regulation IX. of 1833, it had been directed that in the assessment of the pergunnahs no enquiries should be made into the value of produce, or the cost of production, or into the proportion which they bore to each other: the assameewar jummabundees given in by the putwarees were examined, and where alteration in rates appeared absolutely necessary, it was cautiously made: the total of the jummabundees so approved, formed the assets of the village upon which the Government share was to be calculated: all other circumstances connected with the past, present, or probable future condition of the muhal being of course taken into consideration.

"17. It might, on my part, be a sufficient reply to the remark of Government contained in the 3rd para. of their orders, dated 24th September, 1833, that the instructions of the Commissioner stated 35, 40, and even 45 per cent. as the allowance which in other places it had been found necessary to make to the zemindars, but this would have no weight, and I am equally anxious that the Government should be satisfied that their interests have not been compromised, and that the zemindars should commence their career with a prospect of future prosperity. The regulations of Government and the late injunctions of the Sudder Board unite in declaring that the zemindar's profit shall not be *less* than 20 per cent., and 15 per cent. has been admitted to be a suitable deduction on account of expenses of collection and losses of season. This will bring it up to 35 per cent. But with deference to the opinion of better judges, I cannot think 15 per cent. so very ample an allowance. At any rate, in small estates whose jummas amount to a few hundred rupees, 15 per cent. should be a minimum, instead of a maximum. The march of a regiment, the prosecution of a summary suit, the default of a single assamee, will sweep away the 15 per cent. in an instant. I write only of what I have seen myself. During the year 1240 Fuslee, these pergunnahs were held by tekahdars, who were allowed 15 per cent. and who could not pay up; the consequence was a minute enquiry into their accounts, which afforded me unusually favourable opportunities of estimating the expenses of collecting, and after making a full allowance for imposition, I may safely assert that in no instance of small estates did the expense of collection fall short of what seems to be considered a maximum. I am tempted to write on upon this subject, but perhaps it is not my province, and as I said in the beginning of my report, I must refrain from the discussion of questions which have long ago been set at rest.

"18. The general question of what percentage should in ordinary cases be allowed is matter for the consideration of higher authorities. As the result of such consideration, I receive the orders of the Commissioner already quoted; but I am quite certain that there is nothing in the condition of the Syudpore Bhitree malgoozars which could warrant any diminution in the usual rate of deduction. They have no capital wherewith to improve their lands; they have been subject to great expenses in prosecuting their claims, the amount of which has nothing to do with what it ought to have been. They will probably not manage their concerns for some years so economically as zemindars who have been previously in possession; they will, as it is, pay double or treble what they would have done had Mr. Jonathan Duncan settled these pergunnahs, as he did the ninety-six others of Benares: they will pay a sum only 20 or 25 per cent. less than the average collections of the late jaghcerdar, and finally, should the assessment be determined to have been too light, which I believe it is not, it will be liable to revision after a moderate term of years.

"19. In the margin is a statement showing the collections of the late jagheerdar during the years 1228 to 1237 Fuslee. I have *very strong grounds* for believing this to be a true account although it is not an official document; but assuming that it is correct, the Government cannot complain of a sudder jumma (Rs. 1,51,800) which falls less than 25 per cent. short of the average therein exhibited.

Fuslee.	*Demand.*	*Collected.*
	Rs.	Rs.
1228	2,12,204	1,90,295
1229	2 07,777	1,78,804
1230	2,02,393	1,67,468
1231	2,12,688	1,85,744
1232	2,12,318	1,92,560
1233	2,15,682	1,74,139
1234	2,16,731	1,77,331
1235		
1236	2,22,689	1,86,634
1237	2,07,352	1,69,969
Average	2,12,202	1,80,325

The balances collected will raise the average collections to something short of two lakhs of rupees.

20. The interests of Government will also be effected by number of rent-free tenures resumed, and by the diminution of excessive field rates. In making all rough calculations, I have found it fair to consider one of these causes as balancing the other: it will not therefore be necessary to expatiate on the subject here. Each case will rest upon its own merits. One only remark, perhaps, I ought to make, *viz.*, that the jummabundee of the pergunnah, Rs. 2,32,000, given in by the jagheerdar to Mr. Bayley, then Collector of Ghazeepore, and afterwards made Rs. 2,37,000, exceeded anything he ever hoped to collect, including, as it did, not only rates which had been doubled and trebled for his own purposes, but even maafee villages of which he was not in possession. No calculations upon that supposed sum should be made without reference to this fact.

"21. Anxious to make this report as short as possible, I proceed to notice the manner in which it is proposed that the several proprietors shall divide the profits of their estates, and enjoy the undisturbed possession of such other rights as they may have been declared entitled to.

Rights of zemindars.

22. "The peculiar position in which the landholders of these pergunnahs are found has rendered it necessary to declare all the estates strictly "zemindaree." Many were anxious to hold their newly recovered property as their ancestors did in bhyachara or in putteedaree tenure; and nearly all insisted that the acknowledged puttees should have separate liabilities. It was impossible to restore the former division of the land itself, assuming that it could be ascertained without frequently ousting cultivating proprietors from their present *jote*, and as these parties have in many cases been for half a century in possession, I considered the measure too violent, if not impracticable, and abandoned it accordingly. Thus each zemindar has two separate rights; *first*, in his share of profit, and *secondly*, in his *jote*—a term which I here advisedly apply to zemindars' cultivation. In the latter he is protected by the measurement records, and by a kashtkaree pottah, if he chooses to take one: in the former by the provisions recorded in the final roobakaree.

"23. But although it was impossible to separate the several parcels of land, I saw no objection to granting their request that each branch of the family or each puttee should be liable for a distinct portion of the Government revenue; each recognized puttee was, therefore, separately assessed, and enjoys the right of saving itself from sale on account of arrears; whilst for every such division a lumberdar has been nominated, who will protect the rights of all his coparceners.

"24. In estates so circumstanced, the collections from the land and the payments of the tubseeldar must of necessity be made jointly. The lumberdars present in the village cutcherry, having summoned the putwarees, will make their demands upon the kuchha assamees according to the wasilbakees which he will prepare. They will then jointly adjust their demand upon cultivating proprietors, with reference to the amount of arrear, and of their shares, and be specially responsible to them for any sums they may have realized in excess of the Government demand. At one period I contemplated some system by which the liability of a cultivating proprietor to the lumberdars for his *jote* might be moderated by his right to a share of the profits at the end of the year; but I found it impracticable to connect the two. Had the cultivation of a proprietor even generally borne any proportion to his share in the zemindaree it would have been easy, but the two things are totally distinct, and as far as depends

upon me, they are to remain so. The lumberdars have indeed been told, and it is so stated in the settlement roobakaree, that they are bound in equity and honour to adjust their demands against cultivating proprietors, with reference to the shares of those persons, and to the condition of the village at the time; but as any provision to this effect would have led to endless and countless disputes, the power of deciding how much less than the full jumma of his jote should be demanded from a cultivating putteedar has been declared to rest, in the first instance, with the lumberdars.

"25. As each member of the family has a representative to protect his interests, I am in hopes that this authority will not be mischievous.

"26. It is better that they should quarrel for profits after the Government demand has been satisfied, than that their previous disputes should bring the estate to auction-sale.

"27. It did not escape me that an estate so settled would prosper only so long as the lumberdars agreed among themselves. In some villages they were many, and if they quarrelled all would be confusion.*

* The subject has already been noted in para. 14.

"It is sufficient to say that I explained this to almost every zemindar in the pergunnah, suggesting divers plans of my own, and that the answer I invariably received was, that they should submit to their fate, but that this was the only way in which the revenue would be paid, and their lands saved from sale. I wish it, therefore, to be understood by yourself and the Sudder Board, that the system proposed for the internal management and distribution of profits of estates in Syudpore Bhitree is not one which I have selected as good, but one which circumstances have compelled me to adopt. I have no doubt that the zemindars, especially the Hindoos, will in the course of years find means to re-establish a system more consonant with their own ideas of excellence, but they must accomplish it themselves. Any attempt on my part would do much more harm than good.

"28. The principles lately promulgated divide the agricultural population into two classes; the one comprises those individuals who have a title to occupancy on payment of a fixed rent, the other seems to include field labourers only. I speak with hesitation upon this subject, since, however intimately acquainted with Syudpore Bhitree, I feel the want of that extensive general information which can alone qualify any one to discuss it. I must therefore abstain from any comparison between the ryots of Syudpore Bhitree and those of the western provinces which might illustrate my views, and confine myself to simple statements. The cultivators of these pergunnahs then, one and all, consider themselves entitled to occupy their jote upon payment of a fixed rent; by this I do not mean to say that they claim to hold it at a rent notoriously below that which the land can pay, or that they regard it in the light of a mokurruree tenure. This would amount to an alienation of a portion of the rights of Government; neither do I include the class commonly known here as shikmee assamees; but I can, with [illegible] fear of misleading higher authorities, declare that every man whose nam[illegible]aphs m[illegible]corded in my *muntakhib* would consider himself unjustly treated were he to [illegible]ect to dispossession because he objected to the arbitrary demand of the sudde[illegible]ozar. Even the late jagheerdar appears rarely to have ousted a ryot for the purpose of raising his rents: his object was much oftener to force the descendants of the former zemindars to submit to him; and so constant has been that species of warfare, that I should almost doubt whether the Rajpoots had prescriptive rights in their present *jotes* equal to that of other and lower castes.

Rights of cultivators.

"29. There is another circumstance in favour of maintaining all parties, zemindars or ryots, in possession of the fields they occupy. However carefully I may have investigated the claims to zemindaree rights, it is very probable that in some instances I may have erred; human judgment is fallible, and I see no reason to place greater

confidence in my own decisions in particular. In such villages the persons believing themselves entitled to the zemindaree would feel themselves peculiarly ill-used if, whilst others recovered their rights as proprietors, they were not protected even in their fields; and if such cases are few, there are many in which zemindars have recovered their principal village, but have been unable to prove their claim to others in which they nevertheless cultivate.

"30. If it be urged, in reply to this, that it has never been contemplated to place all cultivators at the mercy of the sudder malgoozar, but that it was the duty of the Settlement Officer to decide to which of the classes mentioned in the beginning of the 28th para. each individual belonged, then I must again lament my want of acquaintance with the condition of the western provinces. I know not what circumstances would render such an investigation effectual there, but in these pergunnahs it would be worse than useless. Under these circumstances, I have issued pottahs to every resident cultivator paying in cash: if some parties have received them who were, perhaps, not strictly entitled to them, those are the very persons who will be unable to appreciate them, and those who are unable to appreciate them will shortly resign them. Be this as it may, the mischief done, if any there be, is incalculably less than that which would have resulted from an attempt to distinguish the classes. The pottahs are of course not transferable to strangers, neither are they so strictly hereditary that a stranger from other provinces can prosecute a zemindar for the recovery of the *jote* of some distant relation whose heir he professes himself to be: but I have thought it better not to say anything about this in the roobakaree of settlement.

"31. By the Commissioner's order no pottahs have been given for baolee lands. The parties concerned may, however, take authenticated copies of extracts from the *muntakhib* whenever they please, and such a document would, I imagine, have in most cases the force of a pottah.

"32. Of course there are exceptions to the remark I am about to make, as there must be to all equally general, but it is sufficiently true for all practical purposes that there are no paikasht ryots in Syudpore Bhitree. Those who are so designated in the measurement papers possess a character very different from that implied by the words. The whole pergunnah has formed one zemindaree for the last fifty or sixty years, and the cultivators have moved about from one village to another, occupying lands in all without having any idea that their rights in one were different from their rights in another. Until all the zemindaree cases were decided, it was not known who was a khudkasht and who a paikasht ryot: and many may have found themselves khudkasht with reference to fields lately acquired, whilst they were paikasht with reference to the fields of their ancestors. To consider these people as possessing no rights whatever would be absurd, and I have therefore in the roobakaree of settlement declared their right of occupancy to be similar to that of khudkasht ryots, but as the arguments do not apply to residents in other pergunnahs I have excepted them from the rule. No pottahs are prepared for paikasht ryots, but wherever such a ryot desires [illegible] he brings it to my notice, either through the canoongoe, his zemindar, or by pet[illegible] plain paper, and unless he be a paikasht ryot in character, as well as in name[illegible] one. In the same manner, any zemindar may satisfy me that a particular [illegible] is no more than a *bonâ fide* paikasht ryot, and he would then be excepted from the operation of the rule passed in favour of that class.

"33. I think that, generally speaking, a real paikasht ryot would be found in the putwaree's papers of these pergunnahs as a shikmee assamee, who of course has no rights. I have frequently seen the name of the khudkasht ryot in the village jummabundees some years after his death, and the relinquishment of the *jote* by his heirs.

"34. At the end of the term fixed for the duration of the settlement, it will be very easy to distinguish the khudkasht from the paikasht cultivator. At present, the above arrangements are those which appear to me best suited to the state of the district.

"35. Closely connected with the rights of both zemindars and ryots are the rules proposed for regulating the cultivation of indigo. It is not in my power to make a law, but it is competent to revenue authorities to attach such conditions to the introduction of any new interest in the land as shall protect the malgoozar and the Government, and indeed all parties. It is with diffidence that I tread on such dangerous ground, but it is my duty to leave nothing undefined, and on that account only I have ventured. The two principal evils arising from indigo in Syudpore Bhitree, are, *first*, the practice of giving and receiving advances, and *secondly*, the relinquishment of the ground at an inconvenient season.

Indigo cultivation.*

"36. In the exercise of his acknowledged rights to cultivate what he pleases, the ryot will doubtless please to cultivate indigo; but, with few exceptions, this apparent selection of crop is a temporary transfer of the soil; and the rules declaring the relations of zemindar and ryot are no longer sufficient to protect the rights of either. The ryot almost invariably takes advances, and does not pay his rent with it; as the kists fall due, the malgoozar demands his rent; the ryot cannot pay, or has left the village, or denies having received advances, and the planter declares that having paid once he will not pay again. A quarrel inevitably ensues. To prevent this, it has been recorded in the roobakaree of settlement, that the planter (ahul-i-godown) shall become security for the malgoozaree of the ground upon which his indigo stands. If he will not, then the zemindar shall be at liberty to prevent the cultivation. This arrangement may be thought to interfere with the 'few exceptions' in which a ryot may choose to cultivate indigo on his own account; but the objection exists rather in theory than in practice, and will not require attention, at any rate during the period for which this settlement has been made. On the other hand, the plant shall not be liable for the rent of the remaining *jote* of the assamee in whose field it grows, which, without this provision, it might be considered to be. This, as a European planter observed to me when I consulted him on the subject, 'would merely oblige them to withhold the malgoozaree, and only pay the ryot a profit'—exactly what I wanted! And in reply to a complaint that this would prevent them getting land, it is sufficient to observe that, if they cannot get lands without acting illegally and mischievously, they had better go without them.

"37. The second point is, the unseasonable and, I believe, illegal abandonment of the ground. Planters take the land at the beginning of the rains, and paying only one year's rent, designing to retain it in their possession until the end of the rains following. It is then too late to prepare the soil for the cold-weather crop, and the rent for the year is lost. I had a very great deal of trouble last year from this cause, and found it literally impossible to do justice to all parties. To prevent a recurrence of such cases, I have declared, that the party not removing his indigo from the ground before 1st Asarh, shall be responsible for the rent of the following season: a provision in strict conformity with Regulation V., 1812, which makes the agricultural year begin with the rains. It will of course be optional with the party paying the rent to occupy the land in any way they please until the agricultural year begins again. It is not intended to prevent parties entering into amicable arrangements amongst themselves; but for the guidance of authorities who may be suddenly called upon to pass orders, these paragraphs may be useful.

"38. The cultivation of indigo in baolee lands will of course be subject to the same rules; with this addition, that the parties concerned must agree with the zemindar for the rate to be paid per beegah before sowing the seed.

Firstly.—Miscellaneous.

"39. The register of putwarees has of course been prepared, and pains have been taken to explain to them the importance and independence of the office. It was my wish to have placed the putwarees' serishta upon the most efficient footing, removing such as obstructed the success of

Putwarees.

* The rules prescribed by Mr. Lushington for the cultivation of indigo were annulled, "as being equally illegal and uncalled for," by order of the Revenue Board, dated 5th June, 1835.

my endeavours, and paying altogether less attention to claims of inheritance and possession than is usually paid in districts not similarly circumstanced. A higher authority, however, objected in the outset to the removal of a putwaree 'without fault;' and the principle of possession being thus recognized, I dropped that of expediency, and have made the best of those whom I found present.

"40. The fixing of landmarks, the distribution of certain pottahs, and perhaps the separation of puttees by arbitration, are duties which will remain to be performed after my departure. I cannot suppose it to be worth while keeping me here any longer for them. These I propose that the Collector should entrust to any one of his assistants, and their nature is fully described in Appendix No. 1.

"41. The manner in which the forms prescribed in the Sudder Board's printed letter of 27th September, 1833, have been adapted to the record of the settlement previously completed, forms the subject of an appended paper, No. 2. I thought it better to submit in this form explanations which are requisite, than to swell the report of the settlement with matters of minor importance.

"42. I make no allusion to the arrangements with the jagheerdar now under the consideration of the Board or of Government. The tenure of Baboo Harrinarain Singh is distinct from the settlement made with the village zemindars; and it is superfluous to report upon a matter in which no steps are taken without the previous sanction of Government.

"43. In writing this report, I have endeavoured to be as concise as possible. If I have thereby failed in perspicuity, I request your indulgence, and an opportunity of more fully explaining myself."

Deonarain Singh.

Baboo Deonarain Singh, who succeeded his father, Hurnarain, was a gentleman of distinguished loyalty and devotion to the British Government, and a man of much natural shrewdness, courage, and force of character.

Extract from Mr. W. Edwards' memorandum.

The following extract from Mr. Edwards' memorandum of 1860 will show how great were his services to the State:—"Since succeeding his father up to 1851, he was repeatedly brought to the favourable notice of the Government as an active influential citizen of Benares, eager and willing to aid to the utmost of his power in any measure for the improvement of the city or its inhabitants.

"In 1851 he took an active part in furnishing contributions to the Great London Exhibition, and himself contributed a throne which was graciously accepted by Her Majesty.

"In 1852, on occasion of a serious riot in Benares, and when a mob assaulted the Magistrate, and the shops were closed for three days, Deonarain Singh at once came forward to the aid of the Government officers; and chiefly by his influence and wise and energetic measures, this very serious affair was settled, order restored, and the guilty punished.

"For his conduct on this occasion, the thanks of Government were, in August, 1852, conveyed to Baboo Deonarain Singh, and he received the title of Rao Bahadoor; but no addition was made to his income. When the rebellion broke out in 1857, Benares was in a position of extreme danger and insecurity. The station formed the base of all our operations to the northward; and had it been abandoned, or had it fallen into the hands of the rebels, that base would have been lost, and the consequence would, in all probability, have been the loss of Upper India and every European life between Calcutta and Lahore. This catastrophe was, under Providence, chiefly averted by the courage, determination, and influence of the present Commissioner, Mr. Gubbins; and I believe I am asserting no more than the simple truth when I state that all his exertions and devotion would have been unavailing, had he not been unflinchingly and

zealously supported by Rajah Deonarain Singh. With the hereditary courage and loyalty of his race, the Rajah devoted his whole property, his time and energy, and even his life itself, had it been called for, to the service of the Government. He furnished guards of faithful men for the safety of the local authorities; kept up an intelligence department to supply information of all that occurred in the city and its neighbourhood; and raised a loyal band of 300 retainers for the service of the Government. This body of men, proceeding out with his camels and elephants, was the means of rescuing the Europeans from Jounpore. The Rajah also furnished grain and supplies for the troops, and gave up twelve horses and an elephant for their conveyance; and when the danger was most imminent, and the local authorities were most in want of the support and countenance of a native gentleman of his position and influence, he abandoned his own house in the city, and took up his quarters in that occupied by Mr. Gubbins, in order to be able at all times, and on all occasions, to give that officer all the aid and counsel in his power.

Rewards bestowed upon Rajah Deonarain Singh.

"In reward for these services, the title of Rajah was conferred on Baboo Deonarain Singh. He was made a Knight Commander of the Star of India; and a further perpetual and hereditable grant of Rs. 25,000 per annum, from the revenues of Syudpore Bhitree, was bestowed upon him, by Government order 24th October, 1859, subject to the condition of good behaviour and of active assistance to the British Government.

Rajah Sumbhoo Narain Singh.

"Rajah Deonarain Singh died in 1870, and was succeeded by his son, Sumbhoo Narain Singh, a good English scholar, and a gentleman of culture and education, on whom the title of Rajah was conferred in February, 1871."

SECOND CLASS OF JAGHEERS.

Allowances and Grants bestowed by Warren Hastings on dispossessed Pergunnah Zemindars.

Land-owning tribes of Benares.

In the first part of this Memoir some account has been given of the land-owning tribes of the Ghazeepore District. There is reason to believe that not only in Ghazeepore, but in the whole province of Benares, the hereditary zemindars are the descendants of emigrants, chiefly from the north and west, who, about the time of the first invasion of India by the Mahomedans, settled in the middle valley of the Ganges, and dispossessed the aboriginal tribes, who became lords of the country after the extirpation of Buddhism.

Rajpoot tribes remained more united under their Rajahs. Bhoinhar tribes split up into sub-divisions.

The Hindoo land-owning tribes of Benares are either Bhoinhars, Secular Brahmins, or Rajpoots. The Bhoinhar tribes in Ghazeepore, and in other parts of the province, have shown a general tendency to break up into sub-divisions; and the unity of a whole tribe under a single admitted head has never been maintained. On the other hand, the Rajpoot tribes, true to the ancient traditions of their race, have not unfrequently continued united under a single chieftain, the Rajah of the whole clan.

Pergunnah zemindars.

The Mahomedan Government, except during the period when the revenue policy of Akber and of his minister Todur Mull was in force, recognizing the unity of the Rajpoot tribes, often made the Rajah or chief responsible for the land revenue of the whole tract in the occupation of his clan; and thus, by the recognition of a supremacy already existing, helped to enforce and perpetuate it. The Rajah, while the sole proprietor of only a few villages, yet had to realize and discharge the land revenue of all the villages in the pergunnah; and in this manner, in process of time, acquired a kind of superior proprietary right in the whole tract. Some of the chiefs of the Mahomedan land-owning tribes of the Benares Province, were also recognized as pergunnah zemindars.

Bulwunt Singh, the great Rajah of Benares, expelled from their estates all the pergunnah zemindars of the province, and appointed subordinate revenue officers, many of them his kinsmen, to collect from the villages the revenue which had formerly been realized from the pergunnah zemindars.

Pergunnah zemindars were dispossessed by Rajah Bulwunt Singh.

On the breaking out of the rebellion of Rajah Cheyte Singh, several of the dispossessed pergunnah zemindars joined the camp of the Governor-General, expressed their zeal for the service of the British Government, and their desire to make themselves useful. The most influential of these were the Guhurwar Rajah of Kuntit, the Chundel Rajah of Agoreo Burhur, the Oojain chief of Seringa in Chowsa, and the Hyobunse Rajah of Bulliah. It does not appear from the narrative of Warren Hastings that the dispossessed pergunnah zemindars rendered him any services of importance; but at this crisis foes were many, friends few, and by openly espousing the cause of our Government, they established a claim on his gratitude, which the Governor-General was not unwilling to admit. It would appear, however, that he found it difficult to decide how they were to be rewarded, whether by money allowances or by restoration to their ancestral estates.

The dispossessed pergunnah zemindars, during Rajah Cheyte Singh's rebellion, joined the Governor General, and nearly established a claim to some reward.

It was at the time within his power to restore them to the estates from which they, or their ancestors, had been ejected by Rajah Bulwunt Singh.

The Governor-General might have restored the dispossessed pergunnah zemindars when he appointed Maheep Nerain as Rajah.

The Benares family, by the rebellion of their head, had virtually forfeited the zemindary of Benares; and Warren Hastings might have decreed the forfeiture of the zemindary with as much justice as Lord Canning declared the forfeiture of the estates of the rebellious talookdars of Oudh.

If after such a declaration of confiscation the zemindary had been bestowed anew on Rajah Maheep Narain, the restoration of the dispossessed pergunnah zemindars might have been made a condition of the grant.

Such a proceeding would have been acquiesced in by the new Rajah, and highly approved of by the people of the country.

Rajah Maheep Narain having been made to understand that his admission to the succession was of favour, not of right, would have been contented to accept the administration with diminished authority; and the Rajpoots of the Province would have hailed with delight the restoration to dignity of the chiefs of the great old families, who for the last twenty or thirty years had been exiles from their homes, and in want of the necessaries of life. A revenue system based on the still-remembered custom of the past, and yet suited to the circumstances of the present, might have been constructed in place of that one which had fallen to pieces when the chief revenue officers of Rajah Cheyte Sing accompanied him in his flight.

The Governor-General, however, was not prepared to adopt a measure so bold as the declaration of the forfeitures of the whole rights and interests of the Benares family, in the justice of which he himself believed. He was anxious to effect speedily such a settlement as would be agreeable to the Benares family, and calculated to enhance the revenue of the State. The opportunity for rewarding the dispossessed pergunnah zemindars, by restoration to their estates, was lost, and a policy of indecision and vacillation adopted.

Before the conclusion of the settlement with Rajah Maheep Narain, the Governor-General had announced his intention of making provision for the support of the dispossessed pergunnah zemindars; and in reply to the second article in the Rajah's papers of requests, he promised that a deduction should be sanctioned in the revenue payable by the Rajah for whatever was granted as an allowance for the support of dispossessed zemindars. This

In the settlement of the Benares Province with Rajah Maheep Narain, Warren Hastings failed to make any provision for the restoration of the dispossessed pergunnah zemindars.

stipulation, however, can have reference only to money pensions or allowances, as neither in the reply to the paper of requests, nor in the pottah granted to the Rajah, can there be found any sentence or clause indicating that the Governor-General retained a power of restoring the dispossessed zemindars to their lands. On the other hand, by the pottah granted to the Rajah on the 5th November, 1781, the whole province of Benares was bestowed on him by a perpetual grant; and by the reply of the Governor-General to the fourth article in the Rajah's paper of requests, Government was not only precluded from dispossessing the Rajah, but also debarred from procuring indulgences for any zemindar favoured by Government, and from hindering the Rajah in exacting the highest rack-rent from every zemindar and cultivator in the province.

Between the 5th and the 21st November, 1781, the Governor-General had, it would appear, altered his intentions; for, as mentioned in his letter to the Council of November 21st, 1781, he directed the restoration of the pergunnah zemindars to the possession of their lands, and gave orders to the Resident of Benares to "pay them annually, whilst they continued out of the management of their districts, an allowance proportionate to the jumma of each." Enquiries were instituted as to the value of the estates claimed by the dispossessed zemindars, and as to the precise nature of their claims; but only one of the claimants, the Rajah of Agoree Burhur, was actually restored to possession during the administration of Warren Hastings.

Mr. Duncan's report of 16th February, 1788.

Soon after the appointment of Mr. Duncan as Resident of Benares, the whole subject was brought by him before the Government of Lord Cornwallis, in his report of 16th February, 1788, on the deductions claimed by the Rajah on his fixed annual tribute. "These claims," wrote Mr. Duncan, "are, as I understand, founded on the said persons, and sundry others in this part of the country, having been dispossessed of their respective tenures many years ago, when the Rajah Bulwunt Singh was Sezawul or Collector of Benares, on the part of the Nabob Munsoor Ali Khan, the father of Soojah-ool-Dowla. Many of the descendants of the persons thus dispossessed have, since the country became the Company's, been, and are still, endeavouring to regain their lost possessions, of which the Rajah is extremely jealous, insomuch that I have hitherto avoided giving any encouragement to such applications, till I know the pleasure of Government concerning them."

Reply of the Governor-General in Council of 2nd April, 1788.

The ruling of the Governor-General in Council with regard to the dispossessed pergunnah zemindars is contained in the resolution of 2nd April, 1788, and is as follows:—"The remaining deductions upon different grounds; among these, the following consist of allowances to the persons named, in reward for the zeal shown by them to our Government during the troubles at Benares:—

		Rs.
8.	Rajah Govindjeet, ...	37,500
9.	Rajah Adil Singh, ...	8,000
10.	Bhugghoo Singh, ...	11,800
11.	Adhu Singh and Ausan Singh, ...	1,500
	Bickeram Ajeet Singh, ...	4,000
	Ali Azim Khan, ...	10,000

"With respect to several of these, a question of considerable importance arises. It appears that many zemindars were dispossessed by Bulwunt Singh when he was employed as Amil of Benares under the father of the late Soojah-ool-Dowla. Their claims were acknowledged by Mr. Hastings in 1781, and his determination went to the restoration of them to their zemindarees, which, with respect to Rajah Adil Singh, was literally carried into execution.

"The Board do not observe that this determination was founded upon any investigation into the causes of the dispossession of the claimants or their ancestors, but

that it appears to have been founded upon a conviction of the justice of their claims, and upon title they had acquired to the English protection, and to some reward for the zeal shown by them in the service of the Company.

"This decision, however, as far as it regards the rights of the claimants, is opposite to the principle established by the Government for taking cognizance of the old claims. The limitation prescribed by the Adawlut Regulations to those which were established upon mature consideration, is, that no suit shall be heard or enquired into where the cause of action arose before the 19th of August, 1765; nor any suit whatever, where the cause of action arose twelve years before the institution of the same, unless upon proof that the demand had been made before, under certain forms.

"Sufder Jung, the father of Soojah-ud-Dowla, died in 1167 Hygra, or 1753 A.D., twelve years before the period of limitation, and these claims by this rule ought not to have been attended to.

"These regulations were not, however, established until 1783, and the determination of Mr. Hastings was made in 1781. So far it is not contrary to regulations subsequently established; but it is nevertheless opposite to the principle of them which existed in the regulations published before 1781, as rules of conduct for the Collectors and Supervisors.

"That the principle of the limitation is just, cannot be doubted. For if it were not in force, half the property of the country would be litigated. Most of the suits would be of the nature of appeals from the decisions of former administrations. before the English acquired possession of the Dewanny; and as the public records of transactions before that period are incomplete, it would be impossible to ascertain the grounds of decision against the claimants to zemindars, who, in this case, would have an advantage in every suit. Many other arguments might be urged if necessary in support of the principle of limitation which the Board deem just and proper.

"Having thus determined the principle, the application of it remains to be considered. The sovereignty of Benares was first conferred upon the English in 1764. It was restored by them by treaty in 1766 to the Nabob Soojah-ud-Dowla; and again made over to the English by Asaf-ul-Dowla in 1775. In all these transfers, the reservation of the rights of Bulwunt Singh and Cheyte Singh, the zemindars, little short of independencies, were particularly attended to; and even now the internal administration of the country is left with the present Rajah, with no other interference than to assist, superintend, and control the administration.

"The Governor-General in Council, having attentively considered the premises, is of opinion that no claims for the possession of zemindarees in Benares should be attended to where the dispossession took place antecedent to 1st July, 1775, the date from which the Company's sovereignty over the country may be said to have been established; and that consequently the claims mentioned in the Resident's letter of persons dispossessed during the Sezawulship of Bulwunt Singh shall be totally disregarded.

"The Governor-General in Council, in establishing this principle as a general one, is aware of some possible exceptions to the application of it, and therefore leaves it to the Resident to point out any that may actually occur to him, or such as he may deem probable.

"The question next occurring is—What is then to be done with respect to those whose claims have been recognized by Mr. Hastings? If his decision be confirmed, the Governor-General in Council acts in opposition to a principle which he deems equitable, and, in effect, infringes the pottah granted to the Rajah of Benares, which is a very important consideration. On the other hand, if Mr. Hastings' decision should be annulled, those who have benefited by it will have reason to complain of the resolution of Government, for resuming without cause what it bestowed as a reward for zealous service.

"This point the Governor-General in Council thinks should be left to the final determination of the Court of Directors, and in the meantime that those who received jagheers, either in land or money, should continue in the enjoyment of them as they now stand; this is a general principle. Whether any deviation can with propriety be made, will appear from the following summary of the claims of each individual, on which the suggestions of the Board are to be noticed to the Court of Directors"

Ruling of the Court of Directors of 19th May, 1790

The ruling of the Court of Directors as to the future destiny of the zemindars is contained in their despatch of 19th May, 1790, and is characterised by vagueness, obscurity, and indecision. It is as follows:—"We have very attentively perused all the papers upon the subject of Benares, referred to in this paragraph, and in your subsequent letters of 9th January and 10th August, 1739, with respect to the account transmitted by Mr. Duncan, in his letter of the 16th February, 1788, of remission claimed by the Rajah from the stipulated amount of malgoozaree of forty-one lacs per annum; we approved the principles on which you formed your determination thereon, as recorded in consultations the 11th April and 21st May following. Although you have established as a general resolution that no claims for the possession of zemindarees in Benares should be attended to, where the dispossession took place antecedent to the 1st July, 1775, the date from which the Company's sovereignty over the country may be said to have been established, you have left it to us to determine on the claims that have been recognized by Mr. Hastings in opposition to this principle. The grants that have been made or confirmed by Mr. Hastings as the reward of attachment or zealous services to the Company, we feel ourselves bound at this distant period of time to confirm, but not in such unqualified manner as to infringe the pottah granted to the Rajah. We rather incline therefore to follow the suggestion in this respect, contained in your minute of the 11th April, 1788."

Notice of malikana pensions in the Regulations of 1795

In the Regulations of 1795, the stipends of the dispossessed zemindars, which had been granted as malikana allowances, were styled pensions; and the following order, contained in Section 3 of Regulation XXXIV., 1795, was passed:—

"The second class of pensions payable from the treasury consists of allowances granted in 1781 by the Governor-General to certain persons who represented themselves to have been landholders in the zemindary of Benares, and whom it was then intended to reinstate. Agreeably to the orders of the Governor-General in Council, under date the 11th of April, 1788, no part of these pensions are to be continued to the heirs of the persons now in the enjoyment of them without his special sanction."

I shall now notice briefly the history of each of the families of dispossessed pergunnah zemindars to whom Mr. Hastings made grants in 1781:—

The Rajah of Kuntit.

1st,—The Rajah of Kuntit.

The Rajah of Kuntit, the head of the Guhurwar Rajpoots, one of the thirty-six Royal Races, was for long zemindar of the Kuntit Pergunnah, now in the Mirzapore district, an immense tract of country containing twelve hundred and eighty-three square miles of land, situated south of the Ganges, between Chunar and the Allahabad border.

Dispossessed by Benares Rajah.

According to a statement made to Mr. J. Duncan in May 1788, by Oomra Singh, an old revenue officer of the Benares Rajah, the pergunna of Kuntit was acquired by Rajah Bulwunt Singh in 1753, and the Guhurwar Rajah ejected in the following manner. A balance of Rs. 90,000 was due by Lal Bikramajeet of Kuntit to the Naib of Allahabad. Rajah Bulwunt Singh procured the amount from one of his dependants, a banker, Nandoo Lal Sah.

The Allahabad Naib ejected the defaulter by force of arms, and made over his Pergunnah to Rajah Bulwunt Singh. At the time of the Benares insurrection, Gobind Jútee, a descendant of Bikramajeet, attended upon Warren Hastings at Chunar, and tendered his services after the suppression of the rebellion.

Malikana granted by Warren Hastings.

Rajah Gobind Jeet, the dispossessed Rajah, obtained from Warren Hastings in 1781 a sunnud granting him an allowance of Rs. 37,500 per annum as a malikana allowance, until he should obtain possession of his ancestral estate. He died soon after, and was succeeded by his brother's son, Rajah Ramgolam, to whom a renewed sunnud was granted by Mr. Fowke, Resident at Benares. Soon afterwards certain villages in the Kuntit Pergunnah were assigned to the Rajah in lieu of the malikana allowance. The Governor-General in 1789 ruled, that as the grant of Warren Hastings had been conferred as "recompense for proper services and requisite exertions," by the terms of the grant, it must be considered to expire with the life of the incumbent, although by the spirit of the donation it appeared to be in the nature of an inheritance. In accordance with the general principles assumed by the Governor-General, he ruled that it was to be resumed on the death of Rajah Ramgolam.

Order of resumption.

The subsequent details of the family history belong to the Mirzapore District. It is for the present sufficient to say that the Kuntit family sank to a condition of great poverty and indebtedness, from which they were rescued by the Government of Mr. Thomason, who, on the advice of the Collector of Mirzapore, Mr. W. E. Money, and of the Joint Magistrate, Mr. Roberts, advanced four lakhs of rupees to pay off their debts. This grant was sanctioned by the Hon'ble Court of Directors in their despatch No. 3 of 1850. The estates of the Rajah were taken under Government management, and a subsistence allowance granted for the support of the Rajah's family, till the debt to Government was liquidated. A few months before the restoration of the estates to the Rajah free from debt would have taken place, he died, and was succeeded by his infant son. The estates are now under the management of the Court of Wards, and will be made over to the Rajah when he comes of age, in a greatly improved condition, and free from all liabilities.

Subsequent history of the family.

The following tabular statement shows how the estate has improved under Government management :—

	Rs.	Total income. Rs.	Government demand. Rs.	Profit. Rs.
The cash rents are, ...	1,49,634	1,61,233	67,109	94,124
Manorial Dues, ...	7,609			
Interest on Govt. Notes,	3,990			

The accumulated value of savings effected while the estate was under Government management up to August, 1874, was Rs. 3,76,722, of which Rs. 93,594 was held in cash, Rs. 1,57,000 held in Government Promissory Notes, and Rs. 1,01,877 invested in land purchased.

The Rajah of Agoree Barhar.

The Chandel Rajahs of Barhar are, it is said, descended from one of three Chandel Rajpoot cadets of the family of Mahoba in Bundelkhund, who, some hundreds of years ago, took service with a Belund or Bhur Rajah, and after killing him, divided his country between them, and founded the three principalities of Barhar, Bidgeygurh, and Burdhee in Rewah.

The Rajah of Agoree Barhar.

In 1753 Rajah Bulwunt Singh captured the fort of Agoree on the Soane, situated on a picturesque rock in the midst of the most wild and beautiful scenery of the Mirzapore District, and expelled Rajah Sumbhu Sah, the Chandel Rajah.

Dispossession by the Raja of Benares.

The restoration of Adel Sah, the grandson of Rajah Sumbhu Sah, to the family domains was ordered by Warren Hastings in 1781, and, unlike the other pergunnah zemindars, he actually acquired possession. A money allowance of Rs. 8,000 per annum was also granted, which the Government of Lord Cornwallis, in 1788, directed should be discontinued; and stated their opinion, that, on the death of Rajah Adel Sah, his estates should be resumed, and made over to the Rajah of Benares.

Restoration of Rajah Adel Sah; grant of malikana; order for resumption not enforced.

In 1789 it was found that the immediate cessation of the malikana grant could not be enforced, as it had been hypothecated in the year 1787 to Sheolall Doobey of Jounpore, with the sanction of Mr. Trevos, the acting Resident, when certain balances of land revenue due by the Rajah were liquidated by the banker. Mr. Duncan, however, reduced the malikana allowance to Rs. 4,000, and assigned the land revenue of certain villages for its annual payment. He made a life settlement of the pergunnahs of Barhar and Agoree with the Rajah for Rs. 59,000.

In 1803-4 the subject was brought forward again by Mr. Barton, the Collector of Benares. The claims of Rajah Adel Sah and of Sheolall Doobey were urged by Mr. Barton with great vehemence. The sunnuds of Warren Hastings were produced. The whole of the proceedings which took place in 1788 and 1789 were suppressed. The Government, acting in complete ignorance of the resolution of Lord Cornwallis, granted the original malikana allowance of Rs. 8,001 to the Rajah and his heirs in perpetuity.

Malikana again granted in 1804 in perpetuity.

In 1845 the relative rights of the Rajah, and of the village owners in his estates, were discussed by the Government of the North-Western Provinces, and rulings were given favourable to the inferior proprietors, and adverse to the Rajah.

The Resolution of Government is given in page 97, Volume I. of Mr. Thomason's despatches.

Before the mutiny, the estates of the Barhar Rajah came, by the death of the Rajah, into the management of the Court of Wards. They were much increased in value during the minority of the young Rajah.

Estates taken under Court of Wards.

Soon after he came of age, he died, leaving no male issue.

The estates are now again under Government management for the benefit of his widow. In the event of her death the succession is doubtful.

The following statement shows the value of the estates :—

Cash rents in 414 estates, ...	Rs.	88,225
Manorial dues, &c., ...	„	8,500
Interest on Government Promissory Notes, ...	„	590
	Rs.	97,225
Government revenue, ...	„	35,283
Annual profit, ...	Rs.	62,032

The accumulated surplus in cash and in Government notes on the 31st August, 1874, amounted to Rs. 1,08,202.

Oojain Baboo of Seringah, dispossessed by Rajah Bulwunt Singh.

The Oojain Baboo of Seringah, Pergunnah Chowsa.

The capture of the fort of Seringah by Rajah Bulwunt Singh, aided by Walter Raymond, a French Sergeant, who afterwards, under the name of Sumroo, became

infamous as the perpetrator of the massacre of English officers at Patna, has been mentioned in the preceding chapter of this work. The proceedings of Warren Hastings with regard to Bhuggut Singh, the son of Baboo Doorbijeih Singh, who had been expelled by Rajah Bulwunt Singh, is thus narrated by Mr. Duncan in his letter of 16th February, 1788:—

Mr. Duncan's report of 16th February, 1788.

"The next person, Bhuggut Singh, of Chowsa, obtained a grant from Mr. Hastings, in 1781, of the pergunnah of Chowsa, as being his ancient zemindary, as per translation of the said grant herewith submitted (No. 18); and I learn here from the native officers that Bhuggut Singh did accordingly enter into possession, and held the same for two or three months; but that Dergbijy Singh, the then Naib, being unwilling that any of the ancient zemindars whom Bulwunt Singh had dispossessed should ever regain possession, insisted on Bhuggut Singh paying to him a revenue of Rs. 1,10,000, instead of about Rs. 70,000, which Bhuggut Singh alleged was all the country could afford. Whereupon Mr. Hastings, to end the difficulty, ordered that Bhuggut Singh should as zemindar receive 10 per cent. on the estimated gross produce of Rs. 1,10,000, being Rs. 1,100 per annum, which he continued from that period to receive from the Rajah's treasury at the place; and Mr. Markham having reported it in his letter to the Board of 17th February, 1783, to be an undoubtedly just claim, as well as the amount of his two Jagheers, of Govind Jeet and Adil Singh, aforementioned, they were all three allowed of by the Board on the 27th December of the same year, and have since been considered as permanent articles of deduction. On the 16th September, 1785, Mr. Fowke, then Resident of this place, issued a new sunnud in favour of Bhuggut Singh, converting his ready money allowance into a landed Jagheer, of which sunnud a translation is also herewith transmitted (No. 19). This last mentioned measure appears to have occasioned much trouble and uneasiness, as the Rajahs alleged that Bhuggut Singh had got this alteration made in the nature of his allowances by undue influence, and that the villages assigned were of more value than the grant. They were therefore soon sequestered by him, and remain so to this day; which having led Bhuggut Singh to complain to me, I had intended to have restored to him as many of the said villages as should turn out equivalent to his grant; but on further consideration, I think it better to let the matter be entirely open for the Board's orders. It is a melancholy reflection that this pergunnah of Chowsa, which at the time of settling this malikana was estimated to yield Rs. 1,10,000, now lets, including the said malikana, for no more than between Rs. 40 and 50,000; so rapid and incredible has been its decline from the rapacity of a succession of devouring amils."

Ruling of Government of 2nd April, 1788.

This ruling of Government of 2nd April, 1788, is as follows:—"The grant to Bhuggut Singh is in the nature of a malikana Jagheer, combining his claim to malikana with his right as zemindar.

"It appears, however, that he has obtained a much larger sum than he was entitled to; for as the gross produce of the zemindaree determines the malikana, so it was fair in the Rajah to claim from him that rent as zemindar. At present his allowance is paid in ready money, and the villages allotted to him have been since resumed. The same resolution occurs to the Board on Bhuggut Singh's as on those of Raja Govind Jeet, that his allowance should be resumed on his death, and not continued to his heirs; but as it appears greatly to exceed the amount he has a right to claim, that it be fixed at the rate of Rs. 500 per mensem."

Estates of Rajah of Doomraon, in Pergunnah Zumaneeah.

Rajah Bikramajeet Oojain, Rajah of Doomraon.

The greater portion of the estates of the Rajah of Doomraon, situated in the Bhogpoor Pergunnah of the district of Shahabad, were beyond the limits of the territory which fell into the hands of the Benares Rajahs. They owned, however, some villages in Pergunnah Zumaneeah, from which they were expelled by Rajah Bulwunt

Singh. Rajah Bikramajeet, the head of the family, was granted, in compensation for his expulsion, a money allowance of Rs. 4,000 per annum, by Warren Hastings in 1781. This was paid direct from the Government treasury, and not, as in most similar cases, by the Rajah.

Lord Cornwallis, in the G. O. of 2nd April, 1788, ruled that the grant was to be a life pension. Rajah Bikramajeet, on his death, was succeeded by his son Jai Purgass Singh; and on account of his great poverty, Government, by their order of 28th August, 1807, continued their allowance to him. The ruling of the Court of Directors in the case is contained in their letter of 7th September, 1810, and is as follows :-

"With respect to the claim of Rajah Jai Purgass Singh, not only the sunnud in the original language brought forward by himself in its support, but the translation produced by the officers of Government, appears to us to establish his right to the pension for some further term than as a mere life annuity; but under the resolution passed by the Governor-General in Council in 1788, which determined it to be a life grant only, we shall not at present go further than confirm your decision for a continuance for the life of the present claimant."

Rajah Jai Purgass died in 1839, and was succeeded by his grandson Jankee Pershad Singh. The pension of Rs. 4,000 was stopped by Mr. Wilmot, Collector of Ghazeepore.

The Hyobuns Rajahs of Bulliah.

The Hyobuns Rajahs of Bulliah.

Some account of this family has been given in page 55, Chapter III. of the present work. Bhowabut Deo, the Rajah, was dispossessed of the zemindaree of the Pergunnah Bulliah by Rajah Bulwunt Singh about A.D. 1760. The proceedings of Warren Hastings with regard to the Rajah of Bulliah are thus ascribed by Mr. Duncan in his letter of 16th February, 1788 :—

Mr. Duncan's report.

"From information obtained here, I learn that, in the year 1191-2, or 1784, when Mr. Hastings was in this part of the country, Bhowabul Singh delivered in a representation relative to the malikana, or his rights as zemindar of the pergunnah of Bulliah, when it being ordered that he should advance proofs of the said places being zemindaree, he exhibited a mehzernama, or writing testimonial, to that effect, of which a translation is herewith transmitted (No. 34), attested by sundry of the principal men of the district, and among the rest by Ajaib Singh, the late Naib; upon which, and in consideration, as would seem, of the services which in his joorut-hal he alleges to have been of use to the English Government, a zemindaree to the amount of Rs. 1,60,000 being considered as proved to be his in the pergunnah of Bulliah, a malikana of Rs. 16,000 per annum was thereupon settled on him, as per translation of Mr. Fowke's sunnud herewith transmitted (No. 35). At first, before the villages of which this malikana was to consist were ascertained, this allowance was paid in ready money.

"In 1793 he obtained possession of the lands mentioned in Mr. Fowke's sunnud; but in the time of Mr. Grant, the Rajah having complained to that gentleman that the produce of Bhowayel Deo's malikana jaghoer exceeded the assignment made in his favour, it has since remained sequestered, the Rajah being answerable to the holder for the amount it stands estimated at, *viz.*, Rs. 16,000 per annum.

"This is all the information I can trace here on the subject; but probably the Board may be in possession of more ample and certain intelligence concerning it, from the correspondence between Mr. Hastings and Mr. Fowke, and particularly the letters and orders from the late Governor-General to Mr. Fowke, from March, 1784, to January, 1785, as transmitted to the Board by Mr. Fowke, and recorded on the Government proceedings in the Secret Department of the 24th of August, 1785, of which no copy is to be found here, although one is much wanted to complete the series of the

public records. I will therefore be obliged by a transcript of such correspondence being ordered to be sent to me. For the rest, I consider this man's case to be of a nature similar to those of Gobind Jeet and Bhuggut Singh, &c., already reported, as appears, indeed, from the contents of his mehzernama (No. 34), although Mr. Hastings was probably not aware of such services in 1781, since he does not specify them along with those of Gobind Jeet and the others, who then obtained the rewards specified in his letter of the 21st November, 1781, on the occasion of Rajah Maheep Narain's settlement."

Mr. Duncan in his report does not mention, and was perhaps not aware, that a lease of the whole pergunnah of Bulliah had been granted for the years 1190-91 fuslee, or from 1782 to 1785, to the Rajah.

Order of Government.

Lord Cornwallis, in the G. O. of 2nd April, 1782, ruled that the perpetual and heritable malikanaa llowance was to be considered a life pension.

Notice in Regulation II. of 1795.

The condition of the pergunnah of Bulliah is thus noticed in Regulation II. of 1795, Clause 4 of Section XVII:—

"The pergunnah of Bulliah, in the sircar of Ghazeepore, is similarly circumstanced as to the expulsion of its Rajahs by Rajah Bulwunt Singh, and the intended restoration of Bhowayel Deo, their present representative. But his reinstatement having never taken place, he is allowed to live in the pergunnah on a pension which he receives from Government, and the settlement has been made with such of his family, and of those Rajahs of Bulliah who preceded it, as could make out pretensions to permanent tenures or estates; and where such pretensions could not be established, or were not preferred, the settlement has taken place with the mokuddums, or those of the principal ryots who had long paid the revenue of their present tenures, being the villages of which they are inhabitants; it being meant that these mokuddumee tenures should be considered equally permanent, and be liable to the same conditions as those of the zemindars; and where neither of these descriptions of persons could be found, the villages were let to farmers, excepting such part of them as for want of farmers remained amauny."

At permanent settlement five estates settled with the Rajah.

Five estates only in the pergunnah were settled with the Rajah at a revenue of Rs. 24,165.

Rajah Ishree Bux.

On the death of Rajah Bhaobal Deo in 1802, the Board of Commissioners, by the order of 28th April, 1803, directed the continuance of the allowance to his son Ishree Bux Deo; and after his death they directed the further continuance of the allowance to Dulgunjun Deo, his brother, by their order of 8th June, 1806.

Reduction of malikana allowance in 1809.

After this, on the 4th April, 1809, a petition for some portion of stipend, presented by Mussummats Abeman Kooer and Sheoraj Kooer, the Rances of the late Ishree Bux Deo, was forwarded by the Collector; when the Board of Commissioners ordered the whole to be attached, pending a reference to Government; and a full report having been subsequently made, the Government of the 7th February, 1810, resolved that the Board's orders (above cited), confirming the grant to the heirs of the original grantee, not having been sanctioned by the Supreme Government, were made without due authority, and in no way binding, the decision of such question having been quite out of their competence; but that, in the exercise of an undoubted discretion of making any grant to the heirs that might appear just, the Government was pleased to resolve that the following pensions should be granted, subject to the confirmation of the Home authorities, *viz.*—

Raja Dulgunjun Deo,	... ...	Rs.	10,000
Abeman Kooer, ...	Rances in equal proportion.	„	1,600
Sheoraj Kooer, ...			
To lapse to the State,	... ...	„	4,400
	Total, ...	„	16,000

Claim of Rampertab Singh.

In 1818, Baboo Rampertab Singh, a kinsman of the Rajah Dulgunjun Deo, represented to Government that he was in a state of destitution. Government wishing to compel the Rajah to provide for his support, referred to the Pundits of Benares the question, whether the Rajah was not bound by the tenets of the Hindoo law to provide a suitable maintenance for Rampertab. The Pundits, in their decision of the point, ruled that "not only Rampertab Singh is not entitled to any share of the pension granted to Dulgunjun Singh, but that neither that person nor Government are at liberty to make any distribution of that pension." The Board of Commissioners remark in their letter of 25th September, 1818,—"If this doctrine be correct, the resumption of Rs. 4,400 in 1810 will become questionable." Government demurred to the ruling of the Pundits, but devoted the grant of a separate pension of Rs. 100 per mensem for Baboo Rampertab Singh.

Gradual ruin of the family.

In 1819, talooka Gaieghat, one of the estates of the Rajah, was sold by auction at Ghazeepore in liquidation of a decree of the Civil Court, which had been "already liquidated many times over" by the sequestration of his pension in the Benares Treasury. The sale was set aside in the Civil Court; and Government, on the recommendation of the Ghazeepore Collector, admitted that the sale had been through inadvertence of the officers of Government unjust and illegal.

Soon afterwards proceedings were instituted for the sale of talooka Huldee, the chief estate of the family, in execution of a Civil Court decree.

Rajah Dulgunjun Deo.

In 1822 the Ghazeepore Collector reported to the Revenue Board that the Rajah Dulgunjun Deo was "not in a state to distinguish right from wrong." He has for many years been addicted to the eating of opium, which has so stultified his faculties as to render him perfectly insensible to all reasoning. Mr. Barlow pointed out, that if the management of his estates was allowed to remain in the hands of the Rajah, the whole of the estates were likely to be alienated, and the family reduced to beggary. He recommended the extension of Regulation X., 1793, to the province of Benares; the establishment of a Court of Wards; and the placing of the estates of the Bulliah Rajah under the management of the Court. Government unfortunately did not act on this wise and benevolent proposal, which alone could have rescued from destruction this ancient and noble house.

Stoppage of malikana allowance in 1825.

In 1823 Dulgunjun Deo died, and a dispute arose as to the succession between his widow and his brother Huruck Nath, which was in 1825 decided by arbitration in favour of the brother. Pending the settlement of this dispute, the payment of the pension was suspended, and on its termination Government ruled, by G. O. No. 634 of 18th August, 1825, that as the Rajah had obtained possession of his estates, there did not "appear to His Lordship any sufficient reason for continuing to him the amount assigned to the late Rajah Dulgunjun Deo." Huruck Nath, on receipt of the G. O., presented a petition representing the former greatness and the present misery of the family, and most urgently prayed for a continuance of the allowance which, in the express and distinct terms of the sunnud which he possessed, signed by the Resident of Benares, and issued under the orders of Warren Hastings, was hereditary and perpetual from generation to generation. The Ghazeepore Collector represented that the estates of the new Rajah had been received by him "burthened with a vast accumulation of debts, from which there remained no hopes of their being extricated, unless Government in its liberality afford him some aid, without which he has no means for the support of himself and family."*

The Government of Lord Amherst was inexorable, and by G. O. of 26th July, 1826, declared the claim of Huruck Nath inadmissible.

* See letter of Collector, No. 269, of 29th November, 1825.

All the estates of the family were soon afterwards sold in execution of decrees of the Civil Court; and the only Rajah in the district of Ghazeepore became a beggar, dependent for his support on the bounty of his neighbour in Shahabad, the Rajah of Doomraon.

Sale of estates.

In 1832 Huruck Nath died, and his son, Rajah Nursingh Narain, instituted a suit against Government for recovery of Rs. 2,40,781, arrears of malikana for Pergunnah Bulliah, but was defeated.

Rajah Nursingh Narain.

At the time of the revision of proceedings of 1840-41, the Rajah applied to Mr. Raikes, the Settlement Officer, for the settlement of those estates formerly in the zemindaree of his ancestors, which, at the permanent settlement, had been placed in the hands of farmers, and were now open to settlement. Mr. Raikes, in his report, mentions this fact, and states, "I preferred admitting the ancient, and, though more humble, the more respectable mokuddums of the several villages. The term mokuddum has been applied since Mr. Duncan's time to the Jeth ryots, who have been from time immemorial connected with the soil, and generally are Rajpoots, well capable of entering into direct engagements with Government."

Settlement proceedings of 1840-41.

Rajah Sarub Narain, brother of Nursingh Narain, became Rajah in 1842, and was, notwithstanding his poverty, owing to his great influence in the country, able to perform most valuable services to the State during the mutiny and rebellion of 1857.

Rajah Sarub Narain; his loyalty and valuable services in 1857-58.

The following extract from Government Order No. 927, dated 16th July, 1859, shows how distinguished was the loyalty, and how important were the services of the Rajah:—

"The Government is greatly indebted to the Maharajah for his unhesitating loyalty, and for the exertion of his great influence on the side of order. Policy, no less than gratitude, demands that his conduct should meet with special recognition. The family, though reduced to poverty, still command the respect of the community generally. To re-establish it on its ancient footing may not be practicable, but to raise it in some degree from the depth of poverty in which it is sunk is a duty which the eminent loyalty of its representative has made incumbent on the Government."

Promise of reward of Government of 16th July, 1859.

Two small villages, formerly the property of Baboo Koor Singh, were bestowed upon the Rajah (subject to the payment of the ordinary land revenue); "but the intentions of Government of raising this ancient, loyal, and illustrious house from the depth of poverty into which it has sunk," have not yet been fulfilled.

Not yet fulfilled.

3rd Class.—Miscellaneous Jagheers.

Miscellaneous jagheers.

The other pensions and grants bestowed by Warren Hastings were the following:—

1.	Nawab Fuzl Ali, ...	Rs.	7,200	per annum.
2.	Nawab Ali Azim Khan, of Ghazeepore, ...	„	10,000	„
3.	Moonshee Shureeut-oollah, the jagheer of Soonwanee in the Ghazeepore District, nominal annual value, ...	„	8,000	„
	Real value, ...	„	32,000	„
4.	Dewan Kishun Kunth Nundoo, commonly called Kuntoo Baboo, the jagheer of Dooha Behree, Huthounj, and Monearee, in Khureed, value, ...	„	10,000	„
5.	Abdhoot Singh and Ousan Singh, of Bidgeygurh, ...	„	1,500	„

6.	Moonshee Jubraj Singh,	...	Rs.	1,000	per annum.
7.	Muftee Kurreem-oollah, ...	...	„	1,822	„
8.	Fakeers of Soleman Durga at Chunar,		„	500	„
9.	Behader Singh, ...	...	„	3,300	„
10.	Kashinath Pundit, ..	...	„	800	„
11.	Moulvie Ahmed-oollah, ...	...	„	2,400	„
12.	Chunder Sikhur, ...	...	„	1,000	„
13.	Meer Syud Ali ...	...	„	688	„
14.	Toolsee Ram ...	...	„	180	„
15.	Sheo Anund, Sersurethy Swamy,	...	„	700	„

Of these grantees I shall notice the history of those only who are connected with the Ghazeepore District, *viz.*, the first four.

Fazl Ali Khan.

1. Fazl Ali Khan was the descendant and head of the family of Syud Ali Roostum Khan, the Governor of the Province of Benares under the Nawab Vizier of Oudh, whose supersession by his servant Munsa Ram has been mentioned in the fifth chapter of the 1st part of this Memoir (page 99) An allowance of Rs. 7,200 per annum was paid to the family of Roostum Ali by Rajah Bulwunt Singh and Rajah Cheyte Singh; this was continued by Mr. Hastings, and sanctioned as a life-pension by Lord Cornwallis. In 1822 the widow of Fazl Ali was alive, and in receipt of a pension of Rs. 600 per annum; but all allowances to the family have since been discontinued, and the last survivor, a gentleman of education, and an accomplished Persian poet, is now in his old age, living in blindness and poverty at Syudpore in the Ghazeepore District.

Ali Azim Khan.

2. Ali Azim Khan was the grandson of Sheikh Abdoollah, and the nephew of Fazl Ali, the Governor of Ghazeepore, under the Nawab Vizier of Oudh, from 1738 to 1761. Their history has been given at some length in the fourth chapter of this work (pages 89 to 93).

Ali Azim Khan, on Rajah Cheyte Singh's rebellion, went from his house at Patna with a body of armed followers to Ghazeepore, and placed himself under the orders of the Governor-General. Warren Hastings, in requital of this service, placed him in possession of the old forts, houses, and gardens of his family; conferred upon him a grant of Rs. 10,000 per annum; and directed the Resident to examine the rent-rolls of the villages formerly owned by his ancestors. A very clear and marked distinction existed between the case of the pergunnah zemindars, who were the chief men of tribes that had been for centuries the owners of the soil, and the case of the family of Ali Azim Khan, servants of the Nawab Vizier of Oudh, who, during their term of office, had violently expelled the village owners, and taken their lands into their own possession. This distinction was, however, either overlooked or disregarded by Warren Hastings, who, in his letter to Council of 21st November, 1781, classed Ali Azim Khan amongst the dispossessed pergunnah zemindars, together with the Rajahs of Kuntit, of Agoree Barhar, and others. Mr. Markham, the Resident, reported that the zemindary of Ali Azim Khan contained 1,647¼ villages, and 41, the rents of which in 1288 Fasli were Rs. 4,06,400. Nothing further was done during the administration of Warren Hastings or of Sir J. Macpherson; and the claim of Ali Azim Khan to restoration was finally negatived by Mr. Duncan on the 15th May, 1788, in accordance with the principles laid down in Government Order of 11th April, 1788.

Deeds of sale procured by Sheikh Abdoollah and Fazl Ali declared null and void by the Regulations.

Section 50 of Regulation XXII. of 1795 contains the following enactment with regard to the deeds of sale of villages which, during their administration of the Ghazeepore district, Sheikh Abdoollah and Fazl Ali had compelled the village owners to execute:—"On the 19th of February, 1795, the Judge of the Moolky Dewany Adawlut represented that Sheikh Abdoollah, the father of Ali Azeem Khan, having heretofore purchased several villages from the ancient zemindars in the Sircar of Ghazeepore, and the heirs of the latter having nevertheless obtained pottahs for such lands,

at the conclusion of the permanent settlement in 1797 Fasli, such pottah-holders, or some of them, in bar to prosecutions being instituted against them by parties claiming to be their partners, alleged that, in consequence of their ancestors having sold the lands in question as aforesaid, they could be considered only as farmers, although the pottahs they had obtained were for zemindari tenures. The Judge desiring instructions on this point, he was informed that, under the orders of Government of the 11th of April, 1788, Sheikh Abdoollah's purchases had been deemed void; and that in consideration of his representation, the above-named Ali Azeem Khan now received a pension from Government, as reported by the Resident in his letter to the Governor-General in Council of the 15th of May, 1788, and that therefore he was to admit the said suits, and to hear, try, and decide them according to the letter and import of the zemindary pottahs held by the present incumbents."

Ali Azeem Khan died in 1807. Pensions amounting in the aggregate to Rs. 6,600 per annum were granted to seven members of his family. Up to 1841 four of the pensioners had died, and their pensions had been resumed by Government.

JAGHEER OF KUNTOO BABOO.

Jagheer of Kuntoo Baboo.

Dewan Kishan Kunth Nundee, commonly called Kuntoo Baboo, was the confidential Private Secretary of Warren Hastings during the whole period of his administration. On the 10th January, 1785, twenty-nine days before his resignation, the Governor-General bestowed upon the Dewan a jagheer estate, of the estimated value of Rs. 10,000, in villages situated in the "pargana of Khureed," of the Ghazeepore district. The grant was an altumgha inam, or donation, "upon the Dewan," as a provision for his religious observances; "and was to be enjoyed by him" and his children, generation after generation, descent after descent."

The grant informal, unregistered, and without the consent of Governor-General's Council.

No record of the grant was made in the Government Revenue Offices in Calcutta, and it appears to have been conferred in a secret and informal manner, without the sanction or knowledge of the Council, whose concurrence was necessary for the validity of the grant. The grant conferred on Kuntoo Baboo was declared to have retrospective effect from the commencement of the year 1189 Fasli, or 1781 A.D. If Kuntoo Baboo had actually obtained possession of his jagheer in 1781, the Rajah would have demanded a corresponding remission in his fixed annual revenue. No such demand was preferred, and the jagheer is consequently not mentioned in Mr. Duncan's letter to Government of 16th February, 1788, reporting on all claims of the kind, nor in the Government order of 11th April, 1788. It is therefore probable that Warren Hastings put his Dewan in possession of the jagheer while in Benares, in the end of 1784, and neglected to prepare the sunnud till after his return to Calcutta. If the document had been executed at Benares, it would have possessed a higher legal validity, as the Governor-General while on deputation in the interior was invested with the full powers of the Governor-General in Council.

Proceedings of Mr. Duncan.

In 1794 Mr. Duncan, the Benares Resident, wrote to Rajah Loknath, the son and successor of Kuntoo Baboo, asking to see the original sunnud of Warren Hastings. The Rajah was afraid to risk the loss of the original document by its transmission, but in April, 1794, forwarded a copy of it to Mr. Duncan. No investigation as to the validity of the grant was made at the time. The jagheer was entered in the annual statement of muafee mamoolee, or usual remissions forwarded to Calcutta, but its existence was not prominently brought to the notice of Government, nor reported to the Court of Directors, till long afterwards.

Subsequent history of the grant.

After the enactment of Regulation II. of 1819, relating to the resumption of revenue-free estates, the jagheer of Kuntoo Baboo was mentioned with the other jagheers of the district by the Ghazeepore Collector in his reports on the subject; but nothing more was done.

In 1818 Rajah Loknath died, leaving his son, Rajah Huree Nath Roy, a minor. The estates were, during the minority, taken under the management of the Calcutta Revenue Board, and given in farm to Mr. Dacosta, an indigo-planter in the neighbourhood.

In 1835 Rajah Huree Nath Roy died, and as his son Kishen Nath Roy was a minor, his estates were again taken under the management of the Calcutta Revenue Board.

The jagheer of Kuntoo Baboo consisted of five talookas containing forty villages.

Part of the jagheer transferred to Azimgurh.

In 1837 an adjustment of the boundary of the Azimgurh and Ghazeepore districts was made, by which a portion of pargana Khureed, containing the talooka of Dooha Behra and Cazeepore belonging to the jagheer, was annexed to the district of Azimgurh.

Proceedings of Mr. C. Raikes, Settlement Officer.

In the settlement proceedings of 1841 the jagheer was surveyed and found to contain 9,556 acres, of which 3,418 were in talooka Dooha Behra, and 6,138 acres in the four talookas of Bursundee, Moorearee, Hathaunj, and Cazeepore. The old zemindars of the jagheer, most of them Rajpoots of the Bimwar tribe (see page 61, Ghazeepore Memoir, Part 1st), were a turbulent and contumacious class, with whom the jagheerdar, an absentee, and a native of Lower Bengal, was unable to cope. The nominal value of the jagheer was Rs. 10,000 per annum, but the actual receipts never exceeded Rs. 7,000 per annum. Mr. Raikes, the Settlement Officer, on enquiry, came to the conclusion that the nominal value of the jagheer would, if equitably distributed over the different talookas, form a fair and reasonable land revenue. He determined to confer on the old zemindars proprietary rights, and to determine and fix the amount of revenue to be paid by them to the jagheerdar, or to Government, in the event of the resumption of the jagheer.

The following is an extract from his report of the 3rd September, 1841 :—

"3. When lately in pargana Khureed, I found the state of the jagheers to be such as to make some sort of settlement extremely desirable.

"4. Unlike the neighbouring one of Sunwanee, in which I found much arrangement and good management to prevail, Dooha Behra jagheer was in a most unimproved and disordered condition.

"5. The comparative condition of these two estates is easily accounted for, when it is remembered that in Sunwanee the jagheerdar has always more or less resided upon the property, whereas the Baboos of Dooha Behra have been absentees, and the present holder, who resided at Moorshedabad, is only just of age to undertake the management of his own affairs.

"6. I had expected some opposition on his part, when restoring the village zemindars to their long lost rights, but found that any settlement which might fix the sum to be paid by the occupants of the land to the jagheerdar would be welcome to the latter.

"7. In fact, hitherto the virtual freeholders have been the zemindars, who have paid the jagheerdar, or his representatives, very much less than should constitute a fair malgoozaree payment, had they held direct from Government.

"8. I have fixed on a very moderate sum as the future malgoozaree payment to the jagheerdar, or in the event of resumption to Government ; but the zemindars of one out of three dependent talookas comprising the Ghazeepore portion of the jagheer persist in refusing to engage.

"9. The amount which I wish to realize from the entire talooka, including the villages which now form part of the Azimgurh district, is Rs. 10,000.

"10. I fixed in my mind this sum, not so much because it is the nominal amount of muafee entered in the grant, as because it seems a fair proportion of the proceeds of lands.

"11. Of this sum, my settlements in Ghazeepore cover Rs. 6,000, and I had intended, with your sanction, recommending the Collector of Azimgurh to apportion the remaining Rs. 4,000, if the sum seemed to him equitable, upon the lands amounting to about 2,000 cultivated acres in his district.

"12. I have, however, in this sub-division, called Hathaunj, experienced the most determined opposition to my plans.

"13. I had intended to write to ask your directions in their case. My impression is that a farm for twenty years of their mouzas would have a wholesome effect. Their opposition is based not upon any real grievance, for I only propose to take Re. 1-4-0 on the malgoozaree acre, and the lands are productive, but upon a mistaken idea of their own strength and independence.

"14. I should be glad to make farming arrangements, because to have Hathaunj in the hands of the jagheerdar's dependants is only to perpetuate anarchy's confusion."

In accordance with this plan, settlements were concluded with the zemindars of four talookas, and talooka Hathaunj was given on a farm for five years.

In the case of a single village, Neipunea, Mr. Raikes recognized the chief village cultivators of the Ahir class as mookuddums, or inferior proprietors, and the Mahomedans of the adjacent village of Cazeepore as superior proprietors, through whom rent was to be paid to the jagheerdar, and who were entitled to the produce of fisheries, forests, and other spontaneous products. This arrangement, which was made with the consent of both parties, was condemned by the Commissioner, to whom the idea that in one village superior and inferior proprietary rights might co-exist, appears to have been something strange and utterly inadmissible.

He says in a letter of May 7th, 1842,—"The people of the province are either zemindars or ryots, and of course when settlement came in, the first, and I may say the chief, point to be determined is, on whose side is the zemindaree, and whoever has that right is entitled to all the privileges and dues of a zemindar."

The ruling of the Commissioner in this case gives an instance, not a singular one, of the subversion of existing institutions of the people, in order to make them fit in with the cut and dried theories of well meaning doctrinaires.

Death of Rajah Kishen Nath Roy.

In 1844 the jagheerdar, Rajah Kishen Nath Roy, committed suicide. He left no male issue, and by will alienated his property from his widow, Ranee Surrun Mayee. Pending an enquiry into the validity of the will, the whole real and personal property of the Rajah was taken under the management of the Court of Wards. In 1841 the will was pronounced invalid, and orders were issued for placing the widow in possession of the estates of her husband. Effect had hardly been given to these orders when the following despatch, No. 15 of 1848, was received from the Honorable Court of Directors:—

Orders of Court of Directors, No. 15 of 1848.

"1. In your letter in this department, dated the 5th May, No. 4, 1847, you have submitted for our decision a question concerning two jagheers in Benares, originally granted in perpetuity by Mr. Warren Hastings, and commonly known as Kuntoo Baboo's and Moonshee Shureut-oollah's jagheers.

"2. The circumstances connected with these jagheers have been also brought to our notice in the narratives of the proceedings of the Lieutenant-Governor of the North-Western Provinces.

"3. On the 10th December, 1841, the Lieutenant-Governor decided that the lands should be suffered to remain untouched in possession of the present holders and their heirs so long as any survived.

"4. The paragraph announcing this decision was answered, together with many others on similar subjects, in paragraph 29 of our despatch of the 16th April, No. 3, 1845, in which, without specially referring to these grants, we gave a general assent to the proceedings of the Lieutenant-Governor, reported in the paragraphs then under our notice.

"5. The doubt which has now arisen, and which has led the Lieutenant-Governor to desire to be supplied with specific instructions from us, appears to rest on the supposed want of power in the Governor-General to alienate lands in perpetuity, the sanction of no superior authority having ever been brought or given to these grants.

"6. The information relative to the original grants is far from complete, and we have found ourselves unable to add much to it from the records in our possession. It appears clear that the lands have been held rent-free by the original grantees to the present time, although no formal sanction was ever given to the grants either by us or by the Government of India. They find, however, that on the 11th April, 1788, a Resolution was recorded on the subject by Mr. Hastings' proceedings in the province of Benares, in which the question regarding the grants made by him is treated as follows:— 'This point the Governor-General in Council thinks should be left to the final determination of the Court of Directors, and in the meantime that those who received jagheers either in land or money should continue in the enjoyment of them as they now stand. This is a general principle. Whether any direction can with propriety be made, will appear from the following summary of the claims of each individual, on which the suggestions of the Board are to be noticed to the Court of Directors.' In reply to this reference, we observed, under date the 19th May, 1790: 'The grants that have been made or confirmed by Mr. Hastings as the reward of attachment and zealous services to the Company, we feel ourselves bound at this distant period of time to confirm, but not in such an unqualified manner as to infringe the pottah granted to the Rajah. We rather incline to follow the suggestions in this respect contained in your Minute, dated the 11th April, 1788.'

"7. The particular grants now under notice were not among those enumerated in that Minute, in many of which modifications of the terms were suggested; and it would therefore appear that they were held to fall under the general principle announced, that those who received jagheers either in money or land should continue in enjoyment of them as they now stand. It would seem that this was the interpretation put upon our orders by the Government, inasmuch as no attempt was made to disturb the holders in their possession of them. It cannot be said that the Government were ignorant of the existence of the grants, as the particulars of them appear regularly in the statements of muafee mamoolee (or usual remissions) forwarded to Government by Mr. Duncan, the Resident in Benares.

"8. We cannot therefore consent to disturb a tenure which, if it has not received our express sanction, has all along had our tacit concurrence; and we accordingly authorize, as recommended by the Governor, the confirmation of the grants affected by the decision. One of the jagheers, that of Kuntoo Baboo, will, it is believed, have lapsed on the death, by his own hand, of the jagheerdar, Raja Kishnath Rai, in Calcutta, in the year 1844, without leaving male issue."

Attachment of the jagheer by Government.

The general purport and drift of this despatch would at first sight appear to be confirmatory of the jagheer, but the Government of the North-Western Provinces, conceiving the last clause of the last sentence to be the true exponent of the views of the Court of Directors, ordered (G. O.

No. 549 of 14th February, 1848,) the immediate attachment of the jagheer, and "the transfer to the credit of Government of such sums as had been collected from the jagheer since the date of the Rajah's death, and the effecting of a settlement of the land on the principles established for such proceedings."

In accordance with these orders, the jagheer was attached by the Collector of Ghazeepore, and Mr. H. Davidson, Joint Magistrate of Azimgurh, was deputed to revise and complete the settlement which Mr. Raikes had made in 1841.

The suit of Ranee Surrun Mayee to contest the attachment.
Judgment of 17th December, 1860.

Ranee Surrun Mayee, widow of Rajah Kishnath Rai and guardian of his minor daughter, brought a suit against Government in the Civil Court to establish her rights to the jagheer, and to recover Rs. 90,000, proceeds accruing from the estate from 1255 to 1264 Fasli, and to set aside the orders of the Court of Directors under which she had been dispossessed.

A decree was given in her favour by the Judge of Ghazeepore on the 16th September, 1858, which was upheld on appeal by the Judges of the Sudder Dewanny Adawlut, North-Western Provinces, on the 17th December, 1860. The decision is given in the printed decisions of the Court, page 105, Volume XV. The abstract of the decision is as follows :—

"The words 'ba furzundan-i-khud naslan bad naslan, butunan bad butunan,' made use of in the grant of a rent-free jagheer, held not to imply any restriction to heirs male, but to include *all* the lineal descendants of the grantee without exception. Held that a rent-free grant conferred by Mr. Hastings, when Governor-General of India, without the concurrence of his Council, was open to approval, or the contrary, or to modification by the Hon'ble Court of Directors; but that under Clause 2, Section 2, Regulation II. of 1805, the Hon'ble Court were not competent to resume the grant after having allowed uninterrupted rent-free possession for more than sixty years. Objection as to amount of mesne profits disallowed, appellant having failed to object on this score in the Court below."

Ranee Surrun Mayee, a lady of much force and originality of character, and a warm and generous encourager of learning and education, is still in possession of the jagheer, and not long since received the decoration of the Star of India.

The zemindars of Hathaunj and Mooreearee, I regret to say, still keep their old character for improvidence and contumacy, and after several ineffectual attempts to realize from them the fixed and moderate revenue assessed upon them by Mr. Raikes, their zemindaree rights were sold in 1871, in execution of decrees of the Revenue Court of the Deputy Collector of Bulliah.

SOONWANEE JAGHEER OF MOONSHEE SHUREUT-OOLLAH KHAN.

Nominal value Rs. 8,000, situated in pergunnah Bulliah.

Jagheer of Soonwanee bestowed on Shureut-oollah Khan.

For the last fifty years cases connected with the Soonwanee jagheer have very frequently arisen, and there is not an estate in the district of Ghazeepore which has, in one way or other, so much occupied the attention of the officers of Government. It is therefore, for practical purposes, desirable to treat the history of the jagheer with a degree of minuteness which the interest of the subject alone would not justify.

Moonshee Shureut-oollah Khan, a native of the district of Burdwan in Lower Bengal, and a gentleman of a noble Mahomedan family, was the Meer Moonshee, or Native Persian Secretary, of Warren Hastings. He travelled with him wherever he went, and enjoyed his fullest confidence.

Warren Hastings, when about to leave India, "in recognition of his zeal, meritorious conduct, and long standing in the service," bestowed upon Shureut-oollah and

his heirs for ever in rent-free altumgha tenure the estate of Soonwanee in pergunnah Bulliah, containing eleven principal and five dependent villages, the estimated annual value of which was Rs. 8,000 per annum.

The grant was filed in the Civil Court in 1817, and is said to bear date 5th *Zilhij*, 1189 Hijree, corresponding with 1784 A.D. This, however, must be a mistake, as the year 1189 Hijree corresponds with the year 1775 A.D., and not with the year 1784.

Good management of the jagheer.

Shureut-oollah, on entering upon his grant, became an occasional resident, and adopted a policy entirely different from that of the Dewan Kuntoo. He made a ryotwaree settlement with the actual cultivators, and not, as did the Dewan, with the village owners. The village zemindars were reconciled to this arrangement by his allowing them to hold the fields in their own cultivation at very low rates. Although the nominal value of the jagheer was only Rs. 8,000, yet the actual rent-roll of Shureut-oollah amounted to Rs. 31,495 per annum. The land of the jagheer is most fertile and productive, and the area, as ascertained in the settlement proceedings of 1841, amounts to 9,949 acres.

Death of Shureut-oollah; subsequent history.

Shureut-oollah, it would appear, died about 1790, leaving two widows, Tulamund and Joogna, and a son named Gholam by the former, and a daughter, Husseena, by the latter. Upon his father's death Gholam Khan entered into possession of the talooka Soonwanee, and so continued until 1811, when he died, leaving a widow, Moujee Bebee, but no issue.

Upon the death of Gholam Khan, disputes as to succession arose, but were for the time settled by a deed of compromise, dated 18th July, 1812, under which talooka Soonwanee and the moveable property were to be divided as follows :— Of an eight-anna share, Tulamund was to receive four and a half annas, and Moujee Bebee three and a half annas, and of the remaining eight-anna share, Joogna three annas, and Husseena five annas.

In 1812 Husseena married Tussaddook Hoosein, Sherishtadar of the Magistrate's Court of Jounpore. By him she had one daughter, Massooma, who is still alive (1875).

In 1820 and 1821, after the enactment of Regulation II. of 1819, relating to the resumption of revenue-free tenures, there was a good deal of correspondence relating to the Soonwanee jagheer, and the other jagheers of the Ghazeepore district, between the Collector, the Board of Commissioners for Behar and Benares, and the Calcutta Revenue Board ; but no steps for the resumption of the jagheer were taken.

After the death of Husseena's first husband, his relative, Julal Baksh, a vernacular clerk on a salary of Rs. 30 per mensem in the Jounpore Civil Court, persuaded her, in 1827, to marry him. In the same year Moujee, the widow of Shureut-oollah's son, died, and her brother laid a suit claiming her share of the property under the deed of compromise of 1812. This suit was finally rejected by the Civil Court in 1835. A quarrel at the same time broke out between Shureut-oollah's widow, Joogna, and his daughter and grand-daughter. This was finally settled by another deed of compromise, dated 14th July, 1835, by which Joogna was to have a 2-16th of the jagheer for life, and Husseena and Massooma each 7-16th. After the death of Joogna her share was to revert to Husseena, who thus, in 1851, became the owner of 9-16th, or, as it is commonly called, nine annas of the estate. For a long period, that is, from 1828 to 1851, the jagheerdars were, by order of the Civil Court of Benares, obliged to pay annually Rs. 19,000 per annum to a mortgagee. The surplus, amounting to about Rs. 14,000 per annum, was allowed them for their maintenance.

Proceedings of Mr. C. Raikes in Soonwanee.

In the settlement proceedings of 1841, Mr. Raikes, finding the administration of the jagheer good, and the condition of the tenantry prosperous, determined not to admit the old zemindars to sub-settlement, as they had been for a long series of years in the position of privileged cultivators, and were not entrusted with the management of any villages. It

has been already noticed that in the jagheer of Kuntoo Baboo, where the zemindars had all along been entrusted with village administration, they were admitted to sub-settlement.

Mr. Raikes, without taking any proceedings for altering the nature of the tenures, which were perpetual and hereditary, recorded both the jagheers of Shureut-oollah and that of Kuntoo in the "statement of lands released for life of the parties in zillah Ghazeepore."

Fictitious deed of sale by Husseena Begum and collusive suit.

In 1853 Husseena Begum entered into a conspiracy with her husband Julal Baksh to deprive her daughter Massooma of the succession to her share of her mother's property, which, by the Mahomedan law, would be three-fourths of whatever she might leave at her death.

By a deed, dated the 26th November, 1853, Husseena conveyed all her share and interest in talooka Soonwanee, and in houses situated in the city of Benares, to Julal Baksh, her husband, in consideration of Rs. 3,91,000, which, upon a settlement of accounts, had been found due from her to him, he being at the time a Government servant on a salary of Rs. 30 per mensem, or £36 a year. This deed was registered on the 14th August, 1854, and on the 18th August, 1854, Julal Baksh instituted a suit against Husseena, who on the 30th August confessed judgment for Rs. 3,91,000. Massooma brought, on the 14th September, 1854, a suit in the Court of the Principal Sudder Ameen of the district, seeking to set aside this collusive and fraudulent deed of sale, but the suit was dismissed on the 21st March, 1855, by the Judge of Ghazeepore.

The Court of Directors pronounce the jagheer to be only conferred on heirs male.

The order of the Court of Directors of the 19th November, 1847, has been given in full in the notice of the jagheer of Kuntoo Baboo. By this order the jagheer of Shureut-oollah, as well as that of Kuntoo Baboo, is conferred only on heirs male, in direct descent from the original grantee.

Caveat of Commissioners in the collusive suit.

The Commissioners of Benares, under the orders of the Sudder Board of Revenue, entered, on the part of Government, the following *caveat* in the collusive suit of Julal Baksh against his wife:—

"The Government having been apprised of the suit on the part of Julal Baksh Khan *versus* Husseena Begum, daughter of Shureut-oollah, for a nine-anna share in this jagheer, intimate for the instruction of the Court and the parties interested that the Hon'ble Court of Directors, by their despatch, dated 19th December, 1847, have conferred the grant of this jagheer, originally bestowed by Mr. Warren Hastings, on heirs male, in direct descent from the original grantee Shureut-oollah; and in consequence of the demise of his son, Gholam Khan, without male issue, the jagheer has virtually lapsed, and Husseena Begum, the daughter of Shureut-oollah, holds only on sufferance."

Ruling of the Agra Sudder Court of 11th June, 1856.

A copy of this *caveat* was also filed by Government in the suit of Massooma to set aside the deed of sale executed by her mother. No notice was taken of it by the Ghazeepore Civil Judge, but on Massooma appealing his decision, the Sudder Court of Agra, in their judgment of the 11th June, 1856, ruled:—

1*st*,—That the appellant Massooma Begum had no right to bring the respondent into Court, and that her interest in the talooka had not been proved.

2*nd*,—That Husseena, when executing the deed of sale, was in possession of her faculties and sound mind.

3*rd*,—That "the Judge had overlooked the important fact" that, "although by the terms of the original grant, and by Section 15 of Regulation XLII. of 1795, the property was held rent-free on altumgha tenure, and could be legally sold," yet "that at the time he pronounced judgment on the case the deed of grant itself was no longer in

force." "After referring to the *caveat* lodged by Government and to the correspondence which has passed between the supreme authorities with reference to this grant, we are clearly of opinion that, whatever be the words of the deed by virtue of which the alienation was made, it is clear that the present holder of the grant has at best only a life interest therein, and cannot therefore alienate any interest in the Soonwanee talooka larger than that which she enjoys for life, or during the pleasure of the British Government." With this modification of the Judge's decision, the appeal was dismissed with costs.

It is worthy of remark that Mr. C. Raikes, who, as Settlement Officer in 1841, had recorded the jagheer as "released for life," was, in 1853, one of the Judges deciding the case, and with him were associated Mr. H. B. Harrington, the most distinguished Judge who ever sat on the Agra Bench, and Mr. Unwin.

Mutiny services of the jagheerdarins.

In the mutinies of 1857-58 Husseena and Massooma Begum exerted their influence in the service of Government, and their loyalty and zeal were recognized by the Government of the North-Western Provinces.

Resumption of the jagheer by Government.

At this period the Government of the North-Western Provinces adopted the same procedure in the jagheer of Shuraut-oollah which had been adopted in 1847 in the jagheer of (see G. O. 927 of 16th July, 1859) Kuntoo, and took the talooka of Soonwanee into their own possession. Husseena Begum and her husband, owners of the nine-anna share, and Massooma, the owner of the seven-anna share, brought a suit against Government to recover their property. A decree against Government was given by the Judge of Ghazeepore on the 13th of July, 1859.

Compromise of Massooma Begum.

This decision was appealed to the Sudder Court; during the time the appeal was pending Husseena died. Massooma, her daughter, expecting that the Sudder Court would be ruled by the decision, adverse to herself, of 1855, came to terms with Government, and offered to pay land revenue for the jagheer, if the whole talooka were settled with her, and if a special remission for life were agreed to.

Order of Government, North-Western Provinces, 18th July, 1860.

The order of the Government of the North-Western Provinces of 18th July, 1860, in the case is as follows:—

"I am directed to acknowledge the receipt of your letter No. 476, dated the 8th ultimo, with its enclosures, conveying the recommendation of the Board to the settlement of the resumed talooka of Soonwanee, in pergunnah Bulliah, Zillah Ghazeepore, with Massooma Bebee, the daughter and recognized heiress of the late jagheerdar, Husseena Bebee, subject to an abatement of Rs. 10,000 per annum from the jumma of the estate during the term of her life.

"2. In reply, the Hon'ble the Lieutenant-Governor desires me to intimate that he thinks that, for the reasons given in para. 10 of your letter, the most expedient, and, at the same time, a perfectly equitable measure will be to admit Massooma Bebee to settlement of this talooka as proprietor, the right of the sub-jagheerdars being secured to them on an annual payment of Rs. 909.

"3. The appeal brought in the Sudder Court to contest Mr. Plowden's decision in favour of those claiming the continuance of the jagheer has been virtually decided in favour of the Government, and the concession above agreed to is irrespective altogether of Massooma Bebee's engagement to desist from opposition to the claim of Government.

"4. Having regard to the information furnished in the recent letters of the Collector of Ghazeepore, His Honor concurs in the propriety of the assessment proposed by Mr. Muir at Rs. 22,000 per annum, and desires me to convey his sanction to the same.

" 5. It is quite right, too, His Honor is of opinion, as intimated in my letter of the 25th January last, No. 32A., that Massooma Bebee should receive some special provision from the estate, over and above the amount of the rental and the assessed jumma, in consideration as well of her loyal conduct during the disturbances, as of the antiquity of the tenure, the improvement of the estates under the management of the family to which she belongs, and the fact of her always having received maintenance from it.

" 6. The abatement from the jumma of Rs. 10,000 per annum during the life of Massooma Bebee appears to His Honor quite equitable, but he observes that it can be regarded in no other light than in that of a stipend at the cost of the State, and that, so regarded, it cannot be authorized by the Local Government.

" 7. I am, however, to state that the sanction of the Government of India has been solicited to the proposal."

Ruling of Sudder Court of Agra, 17th December, 1860, contrary to former ruling.

Contrary to the expectations of Government and of Massooma Begum, the Sudder Court upheld the decision of the Ghazeepore Judge on the same day as that on which Ranee Surrun Mayee was victorious, and for the same reasons. A soolehnamah having been filed on the part of Government as against Massooma Begum, the case remained only between Government and Julal Baksh. The judgment of the Court is as follows :—

" We are clearly of opinion that appellant has failed to make out his case; for, first, on reference to the decision of this Court referred to, particulars of which are referred to in the margin, we find that, although it is therein stated that 'the present holder of the grant (Husseena Begum) has, at best, a life-interest therein,' &c., yet this opinion is therein stated to have been derived only from perusal 'of the correspondence which has passed between the supreme authorities with reference to this grant,' alluding to the despatch of the Hon'ble the Court of Directors, No. 13, dated 19th November, 1847, which has been fully treated of in our separate decision on this day, passed in the second appeal case of Government *versus* Ranee Surrun Mayee. In that decision no question or issue was raised in respect to the competency of Government to modify the terms of Mr. Warren Hastings' grant, on the validity of the order of the Court of Directors of the 19th November, 1847. No decision could therefore have been pronounced upon it, and the Court necessarily accepted the admitted status of the time being, namely, that the case was at the time governed by the order conveyed on that despatch. Such an opinion of course in nowise bars the rights necessarily resulting from a judicial decision, whereby the orders of the Hon'ble Court have been, as is now the case, declared to be illegal and set aside.

" We further observe that the decision of the Sudder Court referred to rather damages than supports the case attempted to be made out by the appellant; for the following passage, which is quoted from it, is fatal to the second plea urged in appeal, which is, that the grant, as interpreted in the Judge's decision under appeal, was to the lineal descendants of the original grantee only, and was not otherwise alienable. To this the respondent replies, 'that the finding of the Judge of Ghazeepore, in the concluding lines of his decision (page 119), is not only that the grant is good to the lineal descendants of the grantee, but, further, that the claim of Government to resume it, or to interfere with it in any way, is barred by Clause 2, Section 2, Regulation II. of 1805;' and that this grant having been determined to be a perpetual and hereditary altumgha grant, its 'transfer by gift, sale, or otherwise' is expressly legalized by Regulation XLII. of 1795, Section 15. Now the decision of the 11th June, 1856, quoted, contains the following passage :—'With reference to the terms of the grant, the operation of the law, Regulation XLII. of 1795, has been justly expounded in the Zillah Court.' The Court goes on to notice that the terms of the grant have been altered by the recent Home orders of 1847.

"But as the restriction imposed by the orders of the 19th November, 1847, has been declared invalid, the operation of the law must be determined by the terms of the deed, and we entirely concur with the ruling of this Court of the 11th June, 1856, above quoted, that the Zillah Judge had rightly expounded the law governing the transfer of perpetual hereditary grants. In his decision of the 21st March, 1855, No. 105, (page 62 of Zillah Decision), the Judge has affirmed the legality of such transfer. The appellant's pleader would now have a distinction to be drawn in the operation of the law referred to as respects old 'badshahi' grants made by authority of the sovereign of Delhi and those made by the British Government. But we cannot admit the justice of his argument. For it appears plain from the wording of Section 15, Regulation XLII. of 1795, that it was intended also to apply to grants made by the British Government, and the words 'and in the event of the grant not proving to be hereditary, or not to have been made or confirmed by the British Government,' permit no doubt to be made on the subject.

"We accordingly hold that the purchase of Husseena Bebee's share in this hereditary perpetual rent-free terms, has a good title against the Government; and we, for the reasons above stated, affirm the decision of the lower Court, and dismiss the appeal with costs."

Suit of Massooma Begum against Julal Baksh.

After the death of Husseena Begum her daughter, who by the Mahomedan law was entitled to three-fourths of the property of her mother, brought a suit against Julal Baksh, the second husband, for—

1st—Rs. 2,06,250, being three-fourths of Rs. 2,75,000, due on account of dower deferred of her mother Husseena, after deduction of her husband's one-fourth.

2nd—Rs. 2,73,186-13-11, being her three-fourths share of the value of the jewels and house furniture of her mother.

3rd—Lastly, Rs. 2,753-15-11, three-fourths of Rs. 3,671-12-9, due to her mother under a decree of 11th June, 1856.

Total Rs. 4,11,828-13-11.

The defence of Julal Baksh was, that the dower of his wife had been only in ten dirhams, and not 2¾ lakhs of rupees, and that Husseena at her death had left no personal property, and that he was her acknowledged heir, while the daughter's interests had been entirely separated from those of her mother.

Decree of Principal Sudder Ameen, Ghazeepore, 10th September, 1861.

The Principal Sudder Ameen of Ghazeepore made, on the 10th September, 1861, a decree for Rs. 2,06,250, dower money, and Rs. 1,99,629-2-0, value of household property.

Decree of Sudder Court, 20th August, 1863.

On appeal to the Sudder Court, the decree of the Civil Court as to the moveable property was modified on the 20th August, 1863, by giving only two-thirds of the sum allowed by that Court, that being one-fifth of the plaintiff's valuation, *viz.*, Rs. 54,637. The decree as to the amount of dower was affirmed.

After the decree of the Civil Court, the settlement made upon the first marriage of Husseena, dated 1812, was found, in which the dower was stated to be Rs. 1,25,000.

Review of judgment, 10th February, 1865.

On the 10th February, 1865, the Sudder Court, having granted a review of judgment, made the following decree:—

"That the former decision of this Court, dated 20th August, 1863, be modified, and a decree be passed in favour of respondent for three-fourths of Rs. 1,25,000, dower, and Rs. 39,925-13-0, value of moveables; costs to be calculated in proportion to the amount decreed and dismissed."

This decision was appealed to the Lords of the Privy Council, and upheld on appeal on the 11th July, 1871. The following is the judgment of the Privy Council in the case :—

This was a suit which was brought by the plaintiff and respondent before us against the father of the two appellants, who had been the husband by the second marriage of the respondent's mother, to recover the respondent's share of the mother's dower, a sum of two lakhs and 75,000 rupees, and also to recover her share of her mother's property, which was also laid at two lakhs and 73,186 rupees. The first Court gave judgment for the full amount claimed for dower, and gave judgment, with certain deductions, for the sum claimed for the share of the personal property. On appeal, the Sudder Court affirmed in the first instance the judgment as to dower, but reduced very largely the sum found for the personal property. Then there was a review granted upon a document which will be stated presently, which made a material difference in the case, and on that they reduced the plaintiff's share of the dower to one and a quarter lakhs, and they also further reduced the sum which they had given for the share of the personal property to one-fifth of the amount which had been given by the Principal Sudder Ameen in the Court below.

An appeal having been brought before us, it was admitted by the counsel for the appellant that the questions before us were entirely questions of fact. And really the questions were not only questions of fact, but they were entirely questions of amount, whether the sum given for the share of the dower was too much, and whether the sum given for the share of the personal property was too much.

The general evidence as to the amount of dower in the first instance was this, that a large number of witnesses, no doubt speaking of matters which had happened a great many years before they gave their evidence, professed to have been present when the contract for the dower was made and the marriage was agreed upon, and they all swear that the sum agreed upon was two lakhs and 75,000 rupees. Then there were some witnesses in opposition to them, for the defendant, who were disbelieved by the Principal Sudder Ameen, who swore that, it being the second marriage, it was expressly agreed that it should be a merely nominal amount; and the defendant himself said, on being examined, that in the family of the lady the usual amount of dower on a first marriage was one lakhs and 25,000 Rs., but that the usual dower on a second marriage was a mere nominal amount, though at the same time he could not state that there was any instance of a second marriage in the family. On that, the Principal Sudder Ameen believed the witnesses for the plaintiff, and the Sudder Court agreed with him. Then, in the course of the investigation—not in the first instance—there was found a copy of a marriage settlement registered at Benares, which, after a very careful inquiry, the Principal Sudder Ameen came to the conclusion was a genuine document, and that conclusion has not been disputed before their Lordships. Now, by that document, which appears to have been executed more than a year after the marriage, the husband says,—" I promise and engage faithfully, and according to the Mahomedan law, to pay the sum due on account of dower, as is customary among people of high rank, according to the amount agreed upon, fully and freely, and without being constrained thereto, between me and my wife aforesaid, in the presence of the persons present at the marriage." That is certainly wholly inconsistent with his account, because although the amount does not appear, yet it would appear to be a large amount, certainly a substantial amount: it is " the sum due on account of dower as is customary among people of high rank, according to the amount agreed upon." Then he goes on to pledge the whole of his property, and what he might acquire, in payment of that dower. It was on this document the Court thought that there was a substantial sum agreed to be given; and as there was no other sum of which there was evidence being a substantial and large sum, except the amount deposed to by the plaintiff's witnesses, they on that gave their judgment for that sum; but after they had given that judgment, the marriage settlement of the lady with her first husband was discovered, and

on that the defendant petitioned for a review. By that marriage settlement it appeared that the dower that had been agreed to be paid by the first husband was one lakh and 25,000 rupees, and thereupon the Court thought there was sufficient justification for them to reduce the amount of dower which was given to the same sum as had been given on the first marriage, upon the ground that it was not probable, or right in fact, that a larger sum should be given on the second marriage than on the first; and in fact this agreement, which was registered at Benares, no particular sum being mentioned, even assuming that their Lordships were to doubt whether any express sum was agreed upon on the occasion of the marriage, at all events, would amount to an agreement to pay a fair and proper sum, such as was reasonable, having regard to her rank.

Then there is the evidence of the defendant himself, that the ordinary sum paid in the family on a first marriage was one lakh and 25,000 rupees. It is true, he says, that on a second marriage it ought to be only a nominal sum, but of that he has produced no evidence at all.

The question for their Lordships, then, is this:—Can they say that this conclusion of the Sudder Court is wrong? They are of opinion that there is no ground at all on which they can say that the amount the High Court has fixed is wrong. It appears quite clear from this agreement, which is registered, that a substantial amount for a lady of rank was agreed to be given, and there is evidence as to what is the usual amount in that family. The Sudder Court have come to that conclusion, and there appears nothing very unreasonable in that amount being agreed upon. It may be perfectly true that the husband, the father of the present appellant, the original defendant, was, comparatively speaking, but a poor man at the time when the marriage took place; but the lady, it is evident, was entitled at that time to considerable property, and claimed considerable property. He got the entire management of that property, and it appears very clearly that he has made a very good thing out of it, and has come to be possessed of large sums; and he also had expectations of his own. It does not appear to their Lordships to be at all unreasonable that he should give such a sum, nor can they say the Sudder Court was wrong in fixing upon that sum.

Then, as to the question of the personal property, no doubt there is very little satisfactory evidence as to what the amount was, but it appears highly probable that the lady had a considerable amount of personal property,—jewels, and property of that kind. The defendant, who might have made the matter clear, does not choose to make it clear, but chooses to say that she had nothing at all, and to deny that there was anything. He might probably have brought the actual jewels forward, and had them valued, and shown the real amount. He has not chosen to do so. Then, the Sudder Court say:—"Looking at the list filed by the plaintiff, we can see that the plaintiff is greatly exaggerating their amounts." They take one item, "an elephant," and they say, "that is charged at Rs. 5,000, and we can see that is a vast deal too much;" and therefore they come to the conclusion that a fifth will be more likely to be the right sum than the sum which the Court below have given, and they come to the conclusion to give that sum. Their Lordships have no ground for saying their conclusion is wrong or differing from that judgment. It may be impossible to come to what is the real, true, fair, and just amount, but there is no reason to suppose that the amount given is not as likely to be right as any other sum that could be arrived at.

On the whole, therefore, their Lordships will humbly recommend to Her Majesty that this appeal should be dismissed with costs.

Recovery of entire estate by the jagheerdarin.

In execution of the decree of Rs. 1,36,127-4-0, the nine-anna share of Moonshee Julal Baksh was sold by auction on 20th November, 1863, and bought in for Rs. 76,000 by the decree-holder, *viz.*, Massooma Begum, the jagheerdarin, who thus re-acquired the entire jagheer. Owing to the extravagance of the jagheerdarin's family the estate became

heavily involved, and in 1869, at the request of the proprietor, was taken under the management of the Court of Wards.

Present encumbered condition.

Every exertion has since been made to liquidate the debts and to place them on a better footing, but owing to the reckless extravagance of the family of the jagheerdarin, and her readiness, at their request, to incur new debts and liabilities, they have gone on increasing, and now amount to about six lakhs of rupees. There is reason to fear that, before the publication of the present work is completed, the entire estate will have passed away from the possession of the descendants of Shureut-oollah Khan.

CONCLUDING REMARKS.

The grants bestowed by Warren Hastings subsequently assailed and diminished. Three causes.

From the detailed account of the grants of Warren Hastings it has appeared that most of these grants have been with greater or less success assailed or diminished by subsequent administration. Considering the largeness of the grants and the frequent pecuniary difficulties of the State, this may not appear to require any special explanation. Nevertheless, it is sufficiently obvious, that there were special circumstances connected with the grants bestowed by Warren Hastings, which inevitably led to the adoption by his successors of a policy of resumption.

(1) His latter grants were at variance with others given before.

1st. Warren Hastings, in the bestowal of his grants, not unfrequently forgot to combine justice and generosity, and when bestowing new grants and privileges infringed on those already in existence. For example, after the whole zemindaree of Benares had been bestowed on the Rajah by a perpetual and unreserved grant, the order for the restoration of the pergunnah zemindars to the possessions of their ancestors, which, if issued before the conclusion of the arrangement with the Rajah, would have been a most equitable and judicious regulation, yet, issued as it was after the conclusion of that arrangement, was clearly a breach of an engagement which had been solemnly concluded and signed not a fortnight before.

The bestowal of extensive estates in pergunnahs Khureed and Bulleeah on the Dewan Kantoo, and on the Moonshee Shureut-oollah, without obtaining or even seeking the consent of the Rajah, was a still less justifiable infringement of the guaranteed rights. It has been shown that it was this incompatibility between the maintenance of the Rajah's pottah and of the grants of the pergunnah zemindars, which chiefly induced the Government of Lord Cornwallis to cancel those grants.

(2) They were extravagantly liberal.

The second characteristic of the grants of Warren Hastings, which mainly led to their being regarded by subsequent administration in an unfriendly spirit, was their extravagant prodigality. Warren Hastings in many cases disregarded the proportion which ought to exist between the value of the services rendered to the State and the value of the reward bestowed in recognition of those services. A perpetual grant of Rs. 16,000 per annum was bestowed upon the Rajah of Bulleeah, whose name is never mentioned in the narrative of the Benares insurrection; while the Rajahs of Kuntit, Agoree Burhur, the Seringah Baboo, and Ali Azim Khan, who are commended in that narrative for having "showed a zeal for the service of our Government, and a desire of being useful to us during the late troubles," but who performed no special services worthy of record, received perpetual stipends amounting in the aggregate to Rs. 67,300 per annum.

The jagheer bestowed upon Moonshee Shureut-oollah would doubtless have been a magnificent reward for his services to the State, if its actual value had been no greater than the nominal value; but, as a matter of fact, the jagheer nominally worth Rs. 8,000 per annum, was settled by him on light and easy rents at Rs. 31,000 per annum.

The third peculiarity of the grants of Warren Hastings, and which, more especially led to their being so frequently cancelled, was the illegal and irregular manner in which they were bestowed. The grants, to be valid, should have been made with the concurrence of the Council; or if made when Warren Hastings was on deputation in the interior and invested with the full powers of the Governor-General in Council, should have been at least reported for the information of the Council. They should have been in all cases duly recorded in the khalsa or revenue office, and reported for the approval and confirmation of the Court of Directors. As a matter of fact, they were never reported to the Court of Directors, were in many cases not recorded in any office of the Government, and both in Calcutta and in the interior, Warren Hastings did not scruple to bestow jagheers without the concurrence or even the knowledge of the Council.

(3) They were conferred in an irregular and illegal manner.

There was one most unfortunate result from the subsequent reversal or modification of these invalid and irregular grants. The families enriched by Warren Hastings, who had perhaps never heard of the Court of Directors, and who did not understand the distinction between grants made with, and those made without, the concurrence of Council, naturally believed that their estates and stipends, guaranteed by sunnuds bearing the seal and signature of the Governor-General, were held in the most secure and indefeasible tenure possible. Thus it came to pass that when these grants were set aside or modified by subsequent administrations, the Government incurred the reproach not only of ingratitude towards its firmest friends but of deliberate breach of faith.

Unfortunate result of resumption of the grants.

Many of the families of Warren Hastings' grantees have, either by the grants of our Government, or by decisions of the Law Courts setting aside the orders of the executive, been maintained in either the whole or part of their original grants; and of those who have lost everything, some, as the descendants of Ali Azim Khan, have other property remaining; but still there are some, for example the Bulleeah Rajah and the Seringah Baboo, who have been deprived of the whole of the allowance granted them by Warren Hastings, and who have no property in any degree adequate to their support. But I would, however, fain hope that the purpose of the Government of Sir George Edmondstone, with regard to the Bulleeah Rajah, expressed in the order of 16th July, 1859, may still be fulfilled, and that it may be found practicable to raise the family in some degree from the depth of poverty in which it is sunk, in recognition of the eminent loyalty and services of its representatives in the great rebellion.

Most of the families, whose grants have been resumed have other properties, except the Bulleeah Rajah and the Seringah talookdar.

The Government of Lord Cornwallis, in its legislative capacity, by Section 15., Regulation XXXVII. of 1793, which was extended to the Province of Benares by Section 15., Regulation XLII. of 1795, conferred upon all holders of revenue-free perpetual grants of land, whether granted by a competent Native Government or by the British Government, the power of alienation by deed or sale. Of the liberality of this concession there can be no doubt, but its wisdom may be questioned. The result has, in some cases, as for example in that of Bundoo Khan, been, that grantees encouraged to indulge in extravagances by the power of sale have ultimately lost their estates and fallen into poverty, while, on the other hand, Government has been precluded from realizing the fair revenue of the estate after it had passed into the hands of strangers. For the interest of Government, and for the true interest of the families of grantees, it would, I think, have been better to declare such grants to be hereditable, but not transferable, and that Government should have reserved to itself the right to resume the grant, in the event of the extinction of the family of the grantee, or after the estate had been transferred to strangers.

Grant of power of alienation to grantees, impolitic.

A distinction is laid down in the abovementioned Regulation between jagheer tenure, which is defined to be rent-free only for life, and the altumgha, agmee, and the madat mash tenures, which are declared to be perpetual, hereditable and transferable. This distinction of nomenclature has never obtained in practice any wide currency. Grants bestowed as a reward for Government service are even when perpetual, commonly called jagheers. Thus in the Ghazeepoor district, the altumgha estates of the Dewan Kantoo and Shureut-oollah are aways called jagheer.

The distinction between jagheer and altumgha tenures is not generally recognized.

In its executive capacity, the Government of Lord Cornwallis alone, of all the Administrations which succeeded that of Warren Hastings, deserves the praise of having attempted to grapple fairly with all the difficulties of the question, and to treat the whole of the grants of Warren Hastings in a comprehensive manner. If the Court of Directors had, in a similar manner, given any clear and decisive ruling on the points referred to them for decision, it is probable that the whole of the cases to be disposed of would have been definitely settled in a moderate space of time, and not allowed to hang on from 1780 to 1860, when the last of them were finally settled.

The Government of Lord Cornwallis the only one which attempted to grapple with the subject as a whole.

The Government of Lord Cornwallis was, I think, to blame for having changed their position of the pergunnah zemindars, to whom Warren Hastings had granted perpetual malikana grants, into life pensioners, without giving them any note of warning, or allowing them any opportunity of protesting against the order. The granteees were in complete ignorance of the fact that by a stroke of the pen their position had been wholly changed, and that their children, whose maintenance they considered secure, were to be deprived of their chief or only means of support. If Lord Cornwallis, instead of sanctioning this continuance of full pensions, but only for life, had at once diminished the amount, but sanctioned their perpetual continuance on this smaller scale, his administration would have been somewhat less popular, but the reputation of the British Government for fidelity to engagements would have been less impaired than it was by the course actually adopted. In all cases of the lapse of pensions during the administration of Lord Cornwallis, orders were issued that they were to be continued to the family if justice or humanity required their continuance. There can be little doubt that some of the pensions subsequently resumed would have been continued by a Government actuated by the same generous and disinterested spirit which characterized the administration of Lord Cornwallis.

The grantees were changed into life pensioners without any notice to them of their change of status.

When the Government of Lord Cornwallis had once enunciated the principle, that the village zemindars of the Benares Provinces are the owners of the soil (or, as it is expressed in the 1st clause of Section 17, Regulation II. of 1795, "the landholders in the zemindarce of Benares consist for the most part of village zemindars)," the recognition of their proprietary rights in the jagheer estates formed a remarkable divergence from the general principles of the permanent settlement, and one which cannot be defended.

Exclusion of village owners in jagheers from the benefit of permanent settlement.

In the case of the jagheers of the Rajah of Benares, there may be some show of justification for this procedure Government having in 1781 conferred upon him the ownership of the Province of Benares, induced him in October, 1794, to surrender that ownership ; and one of the implied conditions of that surrender was the non-interference of Government in his revenue-free estates. Consequently the village zemindars in those estates were, in some sort, sacrificed for the benefit of the other village zemindars throughout the Province. It is possible that the Rajah might have consented to the surrender of the rights without this sacrifice, but still it was clearly good policy, if the whole of the village zemindars could not be reinstated in the possession of their rights, that the great majority of them should be secured in their

position by the compromise effected by Mr. Duncan. With regard to all the other jagheers of the Province, no such justification for the abandonment of the village zemindars can be alleged.

In virtue of the declared policy of Government, and of the compromise effected with the Rajah, the village zemindars, except in the Rajah's estates, were entitled to be confirmed in the possession of the lands of their ancestors, and to have the Government revenue determined and declared perpetual. In certain estates taken at random throughout the Province, Government had made over to complete strangers the land-revenue, but there was nothing in this gift to alter the tenure of the village proprietors and to transform them into tenants-at-will. If the village zemindars were owners of the soil in other parts of the Province, they were equally owners of the soil in the jagheers of Beni Ram and of Ousan Singh, of the Dewan Kantoo, and of Shureut-oollah; and were as such entitled to protection from expulsion from their fields and from extortionate demands. The claim of the village zemindars in the jagheers were so clearly just and reasonable that I cannot but believe that, if laid fully and clearly before Lord Cornwallis, they would not have been rejected by him. It is probable that their non-admision was rather the result of accident than of design.

The Government of Lord Cornwallis had not leisure to grapple with this subject.

The security of the public revenue was the chief aim of Government in the settlement of 1789-90, in which the rights of village zemindars throughout the Province were secured, but the confirmation of the rights of village owners in the jagheers did not affect, and was not immediately connected with, the revenues of the State. The strain of work on the Administration was at the time so great that it is not surprising that some of the less urgent and pressing duties of the Government were not undertaken.

Sir J. Shore rejected application for confirmation of proprietary rights of village zemindars in jagheers.

On the other hand, the Government of Sir J. Shore, by their order of 26th August, 1796, relating to the jagheer of Ousan Singh, did that which Lord Cornwallis never had done, and, to judge from the general character of his measures, never would have done, it deliberately rejected and refused to hear the claims of the village zemindars asking for the confirmation of their proprietary rights.

Attention called to jagheers in 1819.

The Government of the Marquis of Hastings, the enactment of Regulation II. of 1819, "for modifying the provisions contained in the existing Regulations regarding the resumption of the revenue of lands held free of assessment under illegal or invalid tenures," a cumbrous, ill-managed, and unscientific piece of legislation, for the first time attracted the attention of the Revenue Boards, and of district officers, to the subject of jagheers, which, after the enactment of the permanent settlement, had altogether escaped their notice. It is worthy of remark, that, when enquiries were first instituted, the Collector of Benares was wholly unable to furnish from the records of his office any history of the origin or nature of some of the most important grants, as, for example, that of Ousan Singh.

Lord Amherst first recognised rights of village owners.

The Government of Lord Amherst, of which Holt Makenzie was the Secretary, was the first to recognize explicitly the doctrine, that Government in making grants could alienate only its own dues, and not the rights of the owners of the soil. The enactment of Regulation VII. of 1828, for the protection of the village owners in the Bhadshee jagheers, and the orders for the Saidpoor Bhitree Settlement, were the practical results of the admission of that doctrine.

But was illiberal towards grantees.

Unfortunately, Lord Amherst, while deserving the highest praise for his anxiety to secure the interests of the village zemindars, was somewhat wanting in consideration for the jagheerdars;

and, forgetful of the rights which they had acquired through the long continued recognition of their position by Government, altogether discontinued the pension of the Bulleeah Rajah, and wished to make the representative of Ousan Singh, and the possessor of his jagheer, merely a life pensioner.

Lord William Bentinck, in the case of the jagheer of Ousan Singh, adopted a policy which in the highest degree combined an equitable regard for the interest of the State and the rights of the village zemindars, with due consideration to the claims of the jagheerdar. In the Bhadohee jagheer, he did not, perhaps, uphold with sufficient firmness the rights of the village owners; and, in the case of the Bulleeah pension, he refused to modify the harsh order of Lord Amherst's Government for its total resumption.

Lord William Bentinck liberal towards grantees, but indifferent about rights of village owners.

It is a remarkable circumstance that in the perganahs of Bahareeabad and Saidpoor Bhitree, the jagheers of Beni Ram and of Ousan Singh, the village zemindars, whose rights at the permanent settlement were in no way secured or confirmed, are, nevertheless, now, on the whole, in a better position than the village zemindars in any other perganah of the Province.

Village owners in two jagheers are now better off than in other parts of the Province, as they escaped sales for land-revenue.

After promulgation of the Regulations of 1795, there follows a period of misgovernment lasting nearly a quarter of a century ; and during this time a very large proportion of the zemindars, whose proprietary rights had been confirmed at the permanent settlement, lost them again by auction sales for the realization of the land-revenue. On the other hand, the zemindars of Bahareeabad and Saidpoor Bhitree, whose proprietary rights were confirmed between 1830 and 1840 A.D., after the practical abolition of the process of sale, though they pay a heavier land-revenue, and have in many cases disposed of their estates by private sale, or have been deprived of them by the action of the Civil Courts, yet they have wholly escaped that devastatating scourge, the auction sale for Government revenue, which, in other parts of the Province, has reduced thousands of the finest races of India to a state of insecurity and discontent.

CHAPTER III.

HISTORY OF THE PROVINCE OF BENARES FROM THE DEPARTURE OF WARREN HASTINGS TO THE APPOINTMENT OF MR. DUNCAN AS RESIDENT.

Mr. Macpherson appointed Governor-General.

On the departure of Warren Hastings, Mr. (afterwards Sir John) Macpherson, the Senior Member of Council, became Governor-General.

General character of the administration.

Lord Cornwallis, the immediate successor of Sir J. Macphérson, who had ample opportunities for ascertaining the character of his administration, formed the most unfavourable opinion of it. In a letter of November 1st, 1788, to the Right Hon'ble Henry Dundas, he says, that his Government (Sir J. Macpherson's) was a "system of the dirtiest jobbings." In another letter to Mr. Dundas, of August of 1789, Lord Cornwallis writes :—" Macpherson seems to expect that you are to give him a pension besides all the ill-earned money which he had got under the head of pay and presents. His flimsy cunning and shameless falsehoods seem to have taken in all parties." " His pretension to knowledge of the revenue business of this country, of which I have no doubt that he has talked much since his return to England, is really more laughably ridiculous, and is of apiece with the rest of his character, for I do not believe that there is a boy in the service so grossly ignorant of it in every respect; he does not even know the commonest revenue terms. He sometimes made a good regulation by the advice of J. Duncan, but never had the spirit to enforce it, nor had he a mind sufficiently upright to avail himself to any purpose of such counsel as Duncan was always ready to give him." Again, in another letter, he says :—" I think him weak and false to a degree, and the most contemptible and condemned of Governors."

History of Benares is little more than the history of the corruption of the Resident.

The history of Benares Province, during the administration of Sir J. Macpherson, is little more than a recital of the method adopted by the Residents for enriching themselves and their favourites at the expense of the Rajah, of the people, and of the permanent resources of the State.

Mr. Fowke.

Frances Fowke, who occupied the position of Resident when Warren Hastings left India, had been first appointed to that office by his patron Sir Philip Francis, on the annexation of the Province of Benares in 1775. Warren Hastings, when he commanded a majority in the Council, had twice removed him from office; and he had been appointed Resident for the third time in 1782 by the Council, in obedience to the stringent mandate of the Court of Directors, notwithstanding the unyielding and vehement opposition of the Governor-General, who regarded him with distrust and dislike.

Conduct was kept in check while Warren Hastings was in India.

The knowledge that the Governor-General, who was himself thoroughly acquainted with all that went on at Benares, was his enemy, must have acted as a strong check on the rapacity of Mr. Fowke so long as Warren Hastings continued in power. With his departure all restraints were removed; and Mr. Fowke, who was probably not more corrupt than the majority of the servants of the Company at that time, commenced to accumulate wealth with a rapidity incompatible with innocence.

His proceedings after Warren Hastings' departure
Embezzlement of 1¼ lakh received from Jagardeo Singh.

Warren Hastings when in Benares in October, 1784, dismissed Jagardeo Singh, the Naib or Deputy of the Province, whose accounts were unsettled and his revenue much in arrears, and in his place appointed, but with somewhat diminished powers, Ajaib Singh, brother by adoption of Ranee Golab Kunwar, the Rajah's grandmother. After the dismissal of Jagardeo Singh, Mr. Fowke received more than five lakhs of the revenue due from him; but of this amount, the sum of Rs. 1,25,745-12-3, although duly received by the person who had charge

of the treasury of the Hon'ble Company, was nowhere credited in the public accounts. The treasurers, when called upon by Mr. J. Duncan in 1788 to account for this amount, stated that it had been paid to the Resident, Mr. Fowke, and to the Assistant Resident, Mr. Berne, on various dates between the 2nd of November, 1784, and the 16th of November, 1785, after which Mr. Fowke, on the 9th of January, 1786, gave him a full and complete receipt and acquittance, which he was able to produce, and of which the authenticity was undoubted. Messrs. Fowke and Berne had left India before the arrival of Lord Cornwallis, and were consequently not present during the enquiry held by Mr. Duncan, who, in his letter to the Governor-General of the 10th March, 1789, thus comments, with a charity perhaps excessive, on the transaction :—" Nor should this intimation at all prejudice these gentlemen in the present stage of the enquiry, as from their situation they are precluded from immediately evincing their innocence, the more specially as from what I have lately learned in conversation in this place, and which I think it my duty, in justice to Messrs. Fowke and Berne, here just to notice, it appears to me not improbable that, should those gentlemen have really received the money thus charged to their account, they may rest their justification on its being a due which they may be able to show some ground for having considered as then annexed to their office as Resident and Assistant at this station."

A similar acquittance and discharge in full signed by Mr. Fowke was also produced by the dismissed Naib, Baboo Jagardeo Singh. After a protracted and laborious enquiry, the Governor-General ruled, on the 26th June, 1789, that all further demand for the balances due to the State, which amounted to Rs. 3,14,655, was barred by Mr. Fowke's deed of receipt and acquittance; and the Court of Directors, in their dispatch of 19th May, 1790, confirmed this order, with the remark that, "after what has been stated both by you and Mr. Duncan as to this cause of the balance, it is impossible for us to hesitate a moment in yielding to your suggestion for its relinquishment."

Appropriation of the half bhurray.

According to ancient custom, all persons paying revenue, besides what was stipulated, called *mal*, paid an additional cess commonly at the rate of one and a half per cent., called bhurray. Of this cess one-half was the due of the banker who remitted the revenue from the interior of the province to Benares, and one-half was the due of the Rajah. Mr. Fowke appropriated the Rajah's half bhurray, which amounted to about Rs. 44,000 per annum. Not long before he resigned office, the Rajah ventured on a gentle remonstrance. Mr. Fowke in reply admitted the justice of the Rajah's objections, and promised that for the future it should be paid to him. This concession did not, however, entail any loss on Mr. Fowke, who was at the time about to leave India, nor was it of much benefit to the Rajah, as the next Resident did not consider himself bound by Mr. Fowke's promise, but, following his example, appropriated to himself the half bhurray of the Province.

New illegal cess, nuzzerana kutcherry.

In addition to the old established bhurray, two new cesses of nuzzerana and russoom khazana were established by Mr. Fowke. The nuzzerana kutcherry of the Province was fixed at a lakh of rupees per annum, and in this the Resident and the native officers of the Residency shared.

Private nuzzerana.

There was also a "nuzzerana khanagui" or special dues and offerings for the Resident, of which the amount cannot be stated, but it appears to have been large, as the fixed amount allowed for the "darbar of Mr. Frances Fowke, the Resident," was Rs. 60,000 per annum, for certain pergunnahs in the Ghazeepur district, of which the revenue was thirteen lakhs. For the whole Province the corresponding amount would have been above a lakh and a half of rupees per annum.

Russoom khuzana.

The russoom khuzana was at the rate of half an anna in the rupee, or 3⅛ per cent. It was established by Government order of the 26th March, 1788, with the remark, that "it appears to

have been originally established for the exclusive benefit of the treasurer, Cashmeree Mull, although subsequently annexed to the revenue of the Rajah."

As this Cashmeree Mull was, during Mr. Fowke's administration, perhaps, the most influential personage in the Province, it is desirable to give some account of the most important transactions in which he was concerned.

Lalla Cashmeree Mull; his antecedents.

Lalla Cashmeree Mull, a wealthy banker, had houses of business both in Lucknow, where he was financial agent of the Company, and in Benares, where he managed the treasuries both of the Rajah and of the Hon'ble Company. He was first appointed to this office in 1784, by Warren Hastings, as a reward for his having advanced for the Nawab Vizier a very large amount due to the Hon'ble Company.

His family have fallen into poverty and insignificance, but not far from the *chauk* or central square of Benares, there may be seen a massive, vast, and lofty stone building, which, even in that city of colossal houses, towers over every structure in the neighbourhood, and is still known as the house of the great Cashmeeree Mull. He obtained unbounded influence over Mr. Fowke, and received from him a grant of the whole pergunnah Shadeeabad, in the Ghazeepur district, and of several other smaller estates. Rajah Maheep Narain, sole owner, and in name the administrator of the country, was content to place himself on an equality with his own treasurer; and on the 15th Moharrum 1193 Fuslee, entered into a secret partnership with him for the revenue farm of several pergunnahs of the Ghazeepur district. The partnership was, according to a common native custom, in the name of the children of the contracting parties, but that the Rajah himself and the treasurer were the real parties is proved very conclusively from the fact that, during the Residency of Mr. Duncan, the Rajah sued Cashmeeree Mull for a settlement of their partnership accounts, and, after a long and troublesome enquiry, the case was amicably settled in October, 1788, and Cashmeeree Mull paid up Rs. 15,000 to the Rajah.

His supremacy in the Province.

A clear proof of the supremacy exercised by Cashmeeree Mull in the Province, is to be found in the fact, that he extorted grants from the Rajah of Benares of several villages situated in the revenue-free pergunnah of Keyra Mungror, and from the Rajah of Balleeah of five of his malikana villages. After the treasurer's death, Kashee Nath, his son, instituted suits for possession of these villages, but they were dismissed, as it appeared that they had originally been obtained through the unbounded influence of the treasurer with the Resident, and as Cashmeeree Mull had been dispossessed by the next Resident, Mr. Grant, of all the estates he had acquired during the administration of Mr. Fowke.

The suit against the Rajah of Balleeah, in 1796, is only remarkable for the detection of an attempt on the part of the treasurer's son to ruin the Rajah's case by bribing his vakeel.

Perpetual grants bestowed by Mr. Fowke on his favourites.

Mention has been made, in the 2nd section of this chapter, of the "istamrareo," or perpetual grant given by Mr. Fowke to the Rajah of Benares, of the residue of the revenues of pergunnah Bhudohee, half of which he held by a jagheer from the Nawab Vizier, and of the similar perpetual grant of the residue of pergunnah Saidpoor Bhitree to Baboo Ousan Singh, who had by the grant of Warren Hastings a jagheer of Rs. 54,000 per annum from the revenues of the pergunnah.

Perpetual grants were also procured from the Rajah by Mr. Fowke, of pergunnah Kolee Asla, for the son of the Naib, Ajaib Singh, at a reduction of Rs. 15,000 per annum on its proper revenues; and of other less important estates for the sons of the Deputy and for other favourites. The process by which these grants were procured is thus indicated by the Rajah, in a letter to Mr. Duncan of 12th April, 1789:—"After some time he completed his negociations at the durbar of Mr. Frances Fowke, and at that time I did, by the order of the gentleman, grant an istamrareo sunnud to Sheopurshun Singh to a considerable extent."

These grants diminished to a large extent the resources of the Province, and the subject of their reversal or maintainance was more than once brought by Mr. Duncan to the notice of Government; he promised a special report on them; but if any such were sent, I have been unable to discover it amongst the Benares records, nor have I been able to find any general order of the Government of Lord Cornwallis, or of Sir J. Shore, on the subject.

Private servants of Residents; miscellaneous payments for Resident.

During the administration of Sir J. Macpherson, a staff of private servants, costing Rs. 2,000 per annum, was maintained for the Benares Residents at the expense of the Rajah, and all their private expenses were defrayed by the Naib from the Rajah's treasury, in liquidation of written orders, called "furmayashaat," sent by the Resident or his head servants. A regular account of these payments was kept in the office of the Naib, and for the year 1193 Fuslee, or 1785-86, they amounted to Rs. 33,273-8-0.

Mr. James Grant appointed Resident, and Pelegrine Treves, Assistant Resident, in 1786.

Early in the year 1786, the Resident, Mr. Fowke, and the Assistant Resident, Mr. Berne, resigned their appointments and left India. Mr. James Grant was appointed Mr. Fowke's successor, and Mr. Pelegrine Treves, a young civilian, the son of a wealthy money-lender who was on terms of familiar intimacy with the Prince of Wales, was sent as his Assistant.

Mr. Treves had only recently landed in India and had married a daughter of Sir R. Sloper, the Commander-in-Chief, to whose influence he appears to have been indebted for his preferment to Benares. During the Residency of Mr. Duncan, when Lord Cornwallis had raised in a wonderful degree the standard of official morality, Mr. Treves did excellent service under his great chief Mr. Duncan, and though sometimes hot-headed and indiscreet, yet the purity of his character and conduct was never doubted. When he first arrived in India he found a state of society in which it was thought no shame to grow rich on the plunder of a province. It was not strange that a young inexperienced boy did not propose to himself a different standard from his seniors in the service.

Corrupt compact between Sir J. Macpherson and Mr. James Grant.

It is obvious from the context of many of the letters in the published correspondence of the Marquis of Cornwallis, that the names of Messrs. Grant and Treves occur in the originals of the letters, though they are omitted in the published edition. In quoting the letters, I shall, however, leave the names blank, as in the published correspondence. From these letters it appears that Sir J. Macpherson made the appointment of Mr. Treves to Benares the price of the vote in Council of his father-in-law, the Commander-in-Chief, and that a compact was made with Mr. Grant, the new Resident, that his Assistant was to receive a share of those emoluments, other than his official salary, which were then considered as annexed to his office. "We could easily give a proper name to such a bargain, and to the conduct of those who were concerned in making it," wrote Lord Cornwallis, in September, to Mr. Steward, Member of Council, in reference to this transaction.

Dismissal of Cashmeeree Mull; old exactions of the Resident continued.

Soon after his arrival Mr. Grant removed from the office of treasurer Lalla Cashmeeree Mull, and, at the suggestion of the Rajah, deprived him of the possession of all the estates which he had obtained through Mr. Fowke's influence. In other respects, the situation of the Rajah, and the character of the administration were not improved. Mr. Grant appears to have been a man of some ability, and the whole revenue of Government for the year of his Residency, 1786-1787, was realized, which had never before been the case; but under his management the condition of the country continued to deteriorate rapidly, and in rapacity he equalled, if he did not surpass, his predecessor. The exactions of the half bhuray and nuzzerana were still continued; the furmayashaat system was maintained; and to the methods of spoliation adopted by his predecessor Mr. Grant added others peculiarly his own.

The manufacture of lime and the whole sugar trade of the Province, the value of which is now enormous, probably above two millions sterling, and must even then have been very large, were declared to be a monopoly. The Resident asssociated with himself in the sugar monopoly his namesake, Mr. James Augustus Grant, an English merchant settled at Benares, and another English settler, Mr. Jarrett. Mr. Pelegrine Treves was, as he himself admitted to Mr. Duncan, allowed a $\frac{1}{16}$th share in the monopoly; but subsequently Mr. Grant resigned his own share to Mr. Treves. Native agents were deputed into the interior to conduct the monopolized trade; orders under the seal and signature of the Rajah and of the Resident were issued prohibiting the sale of sugar to any persons other than the representatives of the Resident.. As it was probably found impossible to enforce this order, the procedure was changed, and commerce in sugar was permitted on payment of a royalty of five annas a maund to the native agents employed by the Resident.

New one introduced · monopoly of lime and sugar.

There were, however, other parts of Mr Grant's proceedings which provoked the resentment of the Rajah of Benares more than either the continuance of old methods of plunder or the adoption of new ones.

Resentment of the Rajah of Benares provoked.

A Mahomedan of rank, Nawab Shere Jang, accompanied Mr. Grant from Bengal, and, as the favourite of the Resident, at once took the place occupied by treasurer Cashmeree Mull in Mr. Fowke's time. The Hindoo banker, even when at the height of his power, seems to have assumed a disguised subservience and deference towards the Rajah, which rendered his supremacy in some degree tolerable. A Mahomedan in the same position would not scruple to treat the Rajah with open contempt. Associated with Shere Jung was another Muhammadan, named Kulb Ali, and the whole power and dignity of the office was divided between these gentlemen.

Nawab Sher Jung.

A new court, called a court of arbitration, was established, of which Shere Jung and Kulb Ali were the presidents. The most important of the cases, which by law and custom were decided in the native courts subordinate to the Rajah, were made over for disposal to the new tribunal. This court of arbitration, according to Mr. Grant's proposal, was to have had jurisdiction only in disputes between the Collectors and the landholders: the Benares records abundantly prove that Shere Jung was in the habit of interfering not only in revenue but in criminal cases.

Court of arbitration

The petition of Gholam Mushriff, presented to Mr. Duncan in 1788, shows how hateful tothe people, as well as to the Rajah, was the supremacy of Shere Jung. This document narrates how the complainant's father had been murdered in broad daylight, and how the murderer had been arrested red-handed and committed to the Rajah's jail. It goes on to say:—"By bribing and intriguing with the Nawab Shere Jung the blood-shedder obtained his liberty. When I heard this news I immediately went to the Rajah, who answered, 'Shere Jung has released your murderer, go to Mr. James Grant.' I accordingly presented my petition, and immediately he sent me with it to Nawab Shere Jung. When I arrived at his house I found him asleep. I went away and returned in the morning, and instantly Shere Jung's people beat me according to order, and turned me out, and said, 'If you return to this Kutcherry, certainly you will be punished.'"

Petition of Gholam Mushriff in 1788.

The petition then narrates that, after making some more hopeless attempts to obtain a hearing, he again went to the Rajah and stated his case, and the Rajah again replied:—"It is not in our power: the Nawab released him; and whoever asks the question shall receive the same reply."

Shere Jung had in addition large opportunities of plunder, of which he no doubt fully availed himself. Kulb Ali was entrusted by Mr. Grant with the revenue management of the Jounpoor district, almost a fourth of the Province.

If Sir J. Macpherson had continued in office, it is probable that the Rajah would have submitted to this state of poverty, helplessness, and humiliation, but fortunately for all parts of India, and most of all for Benares, Lord Cornwallis arrived as Governor-General in August, 1786. Almost immediately on his arrival rumours reached him of the misgovernment and corruption in the Benares Province, and in a letter to Mr. Duncan of November 30th, 1786, he speaks of the Augœan stables of Benares.

Arrival of Lord Cornwallis, and hears of Benares misgovernment.

Early in the following year, the Rajah, through the vakeel in Calcutta, laid before Government a formal complaint of oppression and exaction against the Resident. On the receipt of this document Mr. Grant was summoned from Benares, and Mr. Pelegrine Treves was directed to act as Resident. Some little time before Mr. Grant's suspension, Baboo Ajaib Singh, the Naib of the Province, had died, and Mr. Grant appointed in his place Shunker Pundit, one of the ablest and most honest natives in the Province, but a man much disliked by the Rajah. For a time, however, this dislike was not openly shown, but in the commencement of the rainy season of 1787 A. D., the Rajah rebelled against his position of subordination to the acting Resident and the Naib, and set at nought their counsels.

Complaint of Rajah, and suspension of Mr. James Grant.

Shunker Pundit appointed Naib; the Rajah becomes insubordinate.

According to the native revenue system it was customary, at the commencement of the rainy season, to send out native commissioners or ameens into all parts of the country to encourage the husbandmen in cultivating their fields by promises of protection from the oppression of the amils. It is plain that if the experience of past years had taught the cultivators that they might reap in quietness the fruit of their labours, they would have been anxious to extend their cultivation without any special promises of protection. However unnecessary as this procedure might have been in a country well administered, it was not possible to discontinue it suddenly without evil consequence. The Naib, Shunker Pundit, pointed out to Mr. Treves the necessity of deputing the ameens. The necessary orders were prepared, and Mr. Treves requested the Rajah to affix to them his seal and signature, which were necessary for their validity. The Rajah in a fit of foolish sulkiness at first refused, and objected to the deputation of ameens by the Resident, but after some time was induced by Mr. Treves to promise his signature. A further delay occurred before the orders were actually signed and sealed and forwarded from the Rajah's office; meanwhile the month of July, the season most favourable for cultivation, had slipped away. The husbandmen, who even with all the promises and encouragements of the ameens had, ever since the expulsion of Rajah Cheyte Singh, annually diminished the extent of their cultivation, now allowed a still larger number of their fields to lie fallow. The revenue assets and resources of the Province were in this manner much diminished. The realization of the full revenue of the State became impossible; and but for the marvellous skill with which Mr. Duncan grappled with and overcame the financial difficulties, the loss of revenue would have been considerable.

Appointment of commissioners to provide for cultivation; delay in their deputation, and consequent diminution in cultivation.

The Governor-General, while on his way to Benares, thus expressed, on the 14th August, 1787, in a letter to the Right Hon'ble Henry Dundas, the results of his enquiries as to Mr. Grant's administration:—"Ill as I thought of the late system of Benares, I found it on enquiry much worse than I could have conceived. The Resident, although not regularly vested with any powers, enjoyed the almost absolute government of the country without control. His emoluments, besides the thousand rupees per month allowed him by the Company, certainly amounted to little less than four lakhs a year, exclusive of the complete monopoly of the whole commerce of the country, with the power of granting perwannas, &c. It has been generally supposed that in return for all these good things, the Residents at Benares have not been ungrateful to the friends of the Governor-General. I have no reason to suppose that Mr. Grant *took* more than his predecessors. God only knows what he *gave*, but as he was

Opinion of Lord Cornwallis as to Mr. Grant's administration, and of the Rajah.

on bad terms with the Rajah and his servants, and as new measures are more likely to succeed with new men, I thought it better to remove him. Although many persons were desirous, nay, importunate, to show their zeal for the Company's service by undertaking this office, it was not very easy for me to find a successor to my mind. For I could not venture to lower the authority of the Resident too abruptly, from apprehension of losing our revenue; and as the Rajah is a fool, his servants rogues, every native of Hindustan (I really believe) corrupt, and Benares 600 miles from Calcutta, there was a danger, unless it was put into good hands, of the old system being in some degree continued.

"As I had the prosperity of Benares most exceedingly at heart, and as I felt that nothing could tend so much as a good management of that Province to raise our character and reputation in the remotest parts of Hindustan, I determined on this occasion to make a very great sacrifice, and, much against his own will, appointed Mr. Jonathan Duncan, Secretary of the Public and Revenue Department, to that office. Perhaps you are not acquainted with Mr. Duncan's character: he is held in the highest estimation by every man, both European and native, in Bengal, and, next to Mr. Shore, was more capable of assisting me, particularly in revenue matters, than any man in this country."

Further enquiries as to the Benares administration; letter to the Hon'ble Charles Stuart.

The result of this further investigation in Benares itself is given in the following letter to the Hon'ble Charles Stuart, dated Chunar, September 5th, 1787:—

DEAR STUART,—Your friend —— seems to have lost his own senses or to suppose that I have completely lost the use of mine. For after I had written to you the day before yesterday, and whilst the Rajah was in the act of pressing me with a minute repetition of the complaints and charges that had been made by his vakeel at Calcutta, and even producing another letter for monopolizing the chunam of the Province, I received a letter from —— soliciting my recommendation of him to fill the vacant seat at the Board of Trade. You are perfectly well aware of my general sentiments on the nature of all these charges, although it is my opinion that in taking money from the Rajah in any form he acted contrary to law; yet I was ready to make great allowance for him as far as he could quote the example of his predecessors in office, and after his removal I should have been very unwilling on that account, or for monopolizing the opium, to have given him any serious trouble or uneasiness.

"But there are other points of a very different stamp with which he is charged, and which can only be ascribed to very improper motives—I mean particularly his having abandoned the letting of several districts of the country to the rapacity of Shere Jung, and his having seized by perwanna upon the monopolies of the sugar and the chunam of the province, to the essential injury of those branches of commerce.

"I have not seen what —— calls his defence, but if he has been so rash as to offer it in the form of denial, I take for granted that you will order the investigation to proceed.

"He must be sensible that it is consistent with my own knowledge that part of the charges are true, and the Rajah has requested, in a formal manner, that I shall consider him pledged to produce complete proof of all the charges that have been made by his vakeel or by himself, should it appear incumbent upon us to state any of the material points to be be proved, and especially if they have been denied. I should be less surprised at the Court of Directors dismissing —— from their service and ordering him to be prosecuted, than at their recommending him as a proper person for the Residency of ——"

Opinion as to Mr. Grant's denial; second letter to the Hon'ble Charles Stuart.

On the following day Lord Cornwallis again wrote to Mr. Stuart, "to express his astonishment at —— denying the charges brought against him, insinuating that the Rajah was not ill-disposed towards him." He thinks it now necessary to say:—"I believe ———— to be guilty of the greatest part, if not of all, of the charges brought against him, and the subject must be investigated in the most serious manner."

The charges preferred by the Rajah were minutely investigated by Mr. Duncan, who from time to time transmitted to Calcutta copies of all evidence taken by him, and of all his proceedings, but without the expression of any opinions as to the guilt or innocence of Mr. Grant. It appears to me, that if the majority of the Board had agreed with Lord Cornwallis, and had been really in earnest in wishing for a thorough and sifting enquiry, they would have directed Mr. Grant to proceed to Benares, and have then put him upon his defence. This was not done. Mr Grant was not present, nor represented by any one during the enquiry; and the Rajah of Benares appears either to have been content with the result already secured, *viz.*, Mr. Grant's removal from the office of Resident, or else he had a suspicion that a vindictive prosecution would not be pleasing to Government. The result of the enquiry is given in the following Government order, the lenity of which contrasts strongly with the fiery denunciations made use of by Lord Cornwallis in his confidential correspondence:—

Mr. Duncan's enquiry.

Extract from the proceedings of the Governor-General in Council, in the Revenue Department, under date the 30th October, 1789.

"The Board taking into consideration the charges preferred by Rajah Maheep Narain, zemindar of Benares, against the late Resident, Mr. James Grant, and his defence, now proceed to record their remarks and final resolutions upon them as follows.

"It is necessary to premise, that after various proceedings held upon these charges both at the Presidency and Benares, the Rajah, for whatever reason, thought proper to decline the further prosecution of them, and hence it happens that many of the articles now stand as mere accusations unsupported by evidence. The removal of Mr. Grant from the Residency, upon the sole grounds of the disagreement subsisting between him and Rajah, and the ready attention which the Board invariably paid to the representations of the latter, afforded him ample means of prosecuting his complaints to conviction, if he supposed the means were in his power. The charges are of two kinds: the first accuse the late Resident of gross peculation; and the second impute to him the exercise of undue influence, and thereby superseding the Rajah's authority.

"Under the former class, the charges regarding the bhurray nasfee on account of the years 1193 and 1194, being the first and sixth on the list, come first under consideration.

"The result of evidence and examination taken upon them, is as follows:—

"The Rajah has a right to the bhurray nasfee which he claims. That the sums received on this account were for 1193, Rs. 41,470-7-3, and for 1194, Rs. 43,773-1-3, —the former by Cashmeree Mull, and the latter by Sheoparshad, treasurers; that out of this amount, part of the bhurray for 1193, not particularized, was paid to Radhagobind, and the specific sum of Rs. 37,167-2-3 to the same person on account of 1194,—for the former year by Mr. Grant's orders, and for the latter by the Rajah's. There is no evidence that Mr. Grant himself received or appropriated these sums. Radhagobind is called in evidence the khalsa mutsudee, or Bengal dewan, of Mr. Grant; the first term implies public, the latter private service. Mr. Grant denies the assertion in the latter sense. The Board, under the circumstances, consider Radhagobind as accountable for the sums stated to have been paid to him, and direct accordingly that he be required to discharge the amount as follows:—

For 1193 ...	...	...	...	Rs.	31,367	7	0
For 1194 ...	...	...	...	„	37,164	2	3
			Total	Rs.	68,531	9	3

"In case of his refusal to pay the above demand, or account for the appropriation of the sums stated, resolved, further, that he be directed to repair to Benares, in order that the claim upon him may be duly prosecuted to a decision in the Court of Adawlut there.

" *Charge the second, Nazdaat.*

" It is in proof by the admission of Cashmeree Mull that he took from the public treasury Rs. 50,000, and that he gave a bill drawn in favour of Mr. Cockerell, but from or on the part of Mr. Francis Fowke, Resident at Benares, for the amount. Cashmeree Mull pleads the authority of Mr. Grant for this transaction, but the Board have sufficient ground to distrust his testimony where his own interest is implicated ; by his own admission he is answerable for the money taken, which by the terms of the bill given on evidence was receivable on account of Mr. Fowke, and not on that of Mr. Grant, who affirms that he acted only as the transmitter of bill. The Rajah must therefore prosecute Cashmeree Mull, before the Resident, for the amount, which he acknowledges to have received from the treasury.

" *Charges third and seventh, Furmayashaat, on account of* 1193 *and* 1194.

" It appears that, in pursuance of established custom, sums for the occasional disbursements of the Resident at Benares, and other English gentlemen, were supplied from the Rajah's treasury, and that in years 1193 and 1194 the amount of Rs. 20,067-1-3 was advanced from the amanat treasury on account of Mr. Grant's personal expenses, in consequence of orders issued upon Mr. Grant's arrival at Benares by the ruling Naib, Ajaib Singh. It is evidence that Mr. Grant objected to this sort of inserting his personal expenses, ordered them to be struck out, directed ready-money to the amount expended to be taken from Ramkishen, and finally, that the amount charged to his account was actually repaid. From the whole evidence relating to this transaction it may be inferred, that it was not Mr. Grant's intention to charge the Rajah with his own personal expenses. The repayment was effected through Ramkishen, who in his evidence attempts to suggest an inference that it was supplied from another treasury. But as he acknowledges to have received Rs. 10,000 as a loan, and a further sum of Rs. 10,000 subsequently to Mr. Grant's departure, it is far more probable that the repayment was made by these sums ; and this probability is strongly supported by the whole tenor of the preceding evidence, which acquits Mr. Grant of any intention to debit the Rajah with the amount supplied on his account.

" It remains with Ramkishen to account to the Rajah for the money; the demand for it lies upon him, and not upon Mr. Grant. Exclusive of the above sums, it appears that Rs. 28,345-8-3 were disbursed on various articles, some on a public, and some on a private account. With respect to these, the Board do not see whence the Rajah is to obtain a reimbursement of them, except in the instances of disbursement made on account of Mr. Treves or any other English gentlemen at Benares, which the Board resolve that they be required to replace. The Board cannot pass unnoticed the irregularity of these charges ; the Resident knew, or had the means of knowing, that they were incurred, and he ought to have abolished them. The Board further observe with satisfaction that no charges of the kind have occurred since the appointment of the present Resident.

" *Charges fourth and ninth, Nuzzerana Kutcherry on account of* 1193 *and* 1194.

" Nothing satisfactory can be collected from the little evidence taken upon this charge. The two witnesses examined—the treasurer and his gomashta—deny having any accounts of the nuzzerana. The Rajah, when called upon to support the charge upon by proofs, replies alternately ;—" Mr. Grant admitted the fact ; I do not desire any other person to be examined." Mr. Grant's admission is this, that the *nuzzerana kutcherry* was considered as a fee of office, and that sums under this denomination were reserved and appropriated as indefinite shares amongst the mutsudees or officers. This is not proof that Mr. Grant received it : on this point the evidence is wholly defective.

" Upon the exposition of the case, no demand can be made upon Mr. Grant for what it is not proved that he received.

" The Board do not however admit the right of the mutsudees to appropriate it, since no sufficient grounds are exhibited to establish that right, nor that the Resident

was justified in giving his sanction to such an appropriation, the amount of which is not stated in evidence.

" *Charges fifth and eleventh, Nuzzerana Khanagui.*

" The Rajah rests the whole proof of the charge on the fact, that at the time of making the settlement for 1195 Fuslee, certain sums under the head of nuzzerana khanagui were given, or agreed to be given, by the former along with the nuzzerana kutcherry, from which a presumption follows that similar transactions took place in the preceding years.

" The fact cannot be admitted as a proof of the receipt of money on this account by Mr. Grant in 1193 and 1194, in support of which no other evidence is adduced.

" In the next charge, eighth, the amount is taken from the revenue and disbursed by Mr. Grant. No proof is adduced in support of this charge with respect to that part of it relating to the shawls bestowed on the amils. Precedent of this is quoted in justification of the transaction so far as it may be deemed of a public nature, involving no culpability, of which Mr. Grant is acquitted.

" *Charge tenth, Russoom Khuzana.*

" The sum charged under this head appears to have been received by Ramkishen, the treasurer, and to have been refunded by him in consequence of an order upon investigation, by Mr. Duncan.

" The charge with respect to Mr. Grant is unsupported, and the Rajah has been indemnified.

" *Charge twelfth, sums appropriated by Shere Jung.*

" The proceedings on this are insufficient to authorize an admission of the charges, or to form any opinion upon them ; Mr. Grant therefore should be exonerated.

" The Board next proceed to the charges under the second class—the exercise of undue influence by Mr. Grant, and thereby superseding the Rajah's authority.

" The first specific act alleged against Mr. Grant is the establishment of a kutcherry for deciding upon revenue cases. Mr. Grant admits the establishment, which he calls a board of arbitrators, and such, from the terms of Mr. Grant's letter and the salisnama, it appears to have been ; yet the establishment ought to have received the previous sanction of the Board; and the nomination of Kulb Ali Beg as one of the arbitrators, considering his interest and influence in the district as farmer, was highly improper and exceptionable, as under such circumstances he must be considered as judge and party. The Rajah complains generally that this court occasioned great obstruction to the Collector and the administration of his authority, but he has declined adducing proofs of these assertions, appealing to general notoriety. The Board cannot but disapprove the establishment.

" Two further instances are alleged in support of the charge, the appointment of Champat Roy to the Deputyship of the Niabat Kutcherry, and Mehndi to collect the customs of Mirzapoor. They do not appear to the Board important.

" With respect to the farm said to have been held by Kulb Ali Beg contrary to the Rajah's inclination, by the influence of Mr. Grant, it appears by the proceedings of the present Resident that he obtained possession of them either by summons from Mr. Fowke or the Rajah, and in no instance by Mr. Grant's exclusive authority. The Rajah's assertion is the only support of this charge. The proceedings of the present Resident are sufficient to show that Kulb Ali Beg must have been an improper person for the responsibility vested in him.

" There still remains an article of accusation against Mr. Grant, the establishment of a sugar monopoly by him.

" This is supported by the exhibition of a perwanna under the seal and signature of Mr. Grant, purporting to be a counterpart of one issued by the Rajah, and directing the gomashta, Bakshi, to whom it was addressed, to enjoin the Beoparies and manu-

facturers of cheenee, sugar, to sell what cheenee they made to the gomastas of Mr. Jarrett at a just and proper price, and to take the money and not sell to any other.

"It further appears that a monopoly of sugar actually existed after the arrival of the present Resident, and was abolished by him.

"The Board, without imputing to Mr. Grant a personal interest in the transaction, do not hesitate to condemn his conduct in granting the above perwanna, notwithstanding it was conformable only to one issued by the Rajah. The Resident was certainly blameable in issuing such a perwanna on any account, and, instead of giving his sanction to this act of the Rajah's, ought to have annulled it, as the present Resident has done. The distinction between an original perwanna and one in conformity to the Rajah's, does not, in the opinion of the Board, remove from Mr. Grant the culpability of the transaction.

"The Board having thus gone through the several charges, and having expressed their final opinion summarily upon each as arising from the proceedings and evidence exhibited in the investigation, deem the following further remark necessary:—That the tenor of the Rajah's charges and of the proceedings at large proves undeniably the reason upon which Mr. Grant was removed from his station, *viz.*, the irreconcileable difference existing between him and the Rajah, to have been well-founded, and presumptively, that the Rajah, having obtained his object in procuring the removal of Mr. Grant, has been less solicitous to substantiate the charges which he preferred.

"That the investigation having principally been conducted at Benares, where Mr. Grant nor any person on his part was present, every allowance is to be made, on this account, with regard to the evidence adduced and the estimate of the weight due to it.

"That however defective the evidence may be with regard to the substantiation of the charges against Mr. Grant, there is, in the opinion of the Board, satisfactory proof that the Rajah sustained considerable loss by the misappropriation of money, his property. That although the Board have censured and condemned Mr. Grant's conduct in some instances, they consider this deprivation of office, the vexation attending a tedious and distant enquiry into his conduct, and his remaining unemployed during an interval of three years, as a sufficient punishment for the irregularity or impropriety of his conduct in those instances which have attracted the censure of the Board."

(Sd.) G. B. BARLOW.

CHAPTER IV.

JONATHAN DUNCAN APPOINTED RESIDENT OF BENARES--HIS CHARACTER.

Salary of Benares Resident raised. Mr. Duncan appointed Resident.

In July, 1787, Lord Cornwallis raised the salary of the Benares Resident from Rs. 1,000 to Rs. 5,000 per mensem, and appointed as Resident, Mr. Jonathan Duncan, the Secretary to Government in the Public and Revenue Departments.

Mr. Duncan was born in 1756, went to India at sixteen, and had attained only his thirty-first year when he was chosen for this most responsible and arduous post. He was, in November, 1792, appointed on a commission on the Malabar Coast, for the settlement of the territory taken from Tippoo Sahib; and in March, 1794, returned to Benares. At the end of 1795, he was appointed Governor of Bombay, an office which he held till his death in 1811.

Lord Cornwallis's opinion of Mr. Duncan.

Lord Cornwallis's opinion of Mr. Duncan may be gathered from the following extracts of letters from his published correspondence. In 1788 (November 4th), he wrote to Mr. Dundas: "I am not without my cares about our Council here. I fear Mr. Shore's bad health will drive him home this year: he is so reduced that I hardly dare press him to stay. In that event I must recommend, in the strongest manner, that Mr. Jonathan Duncan may succeed him. Next to Shore he is by far the ablest man in the revenue line, and indeed the fittest in every respect."

In November, 1789, he wrote to Mr. Nathaniel Smith: "I do not think the Court of Directors can at present more effectually secure the prosperity of the Company's dominions under the Government than by electing Mr. Duncan to succeed to Mr. Shore's seat in Council.

"There are many good men before him; but, believe me, there are none equal to him, and who possess, besides good health, which is a very material article, so complete a union of the following qualifications: knowledge, application, integrity, and temper, which, although I have put it last, I can assure you is not the least useful."

The Duncan Records.

During the eight years of Mr. Duncan's Residency in Benares, it was the custom to translate into English all vernacular petitions, reports, depositions, and all orders issued to the native officials. These translations of vernacular documents, with the English correspondence of the Resident's office, form a very large mass of English records.

In the Commissioner's.

The originals of the records are in the office of the Benares Commissioner, and consist of nine hundred and forty-seven bundles of papers, some of them of considerable size.* A meritorious but too brief abstract of these papers was prepared by Mr. John Alone, first Assistant in the office, some years since, under the orders of the Commissioner. Copies of most of the records

And Collector's office.

were prepared for the use of the Benares Collectorate, on its first establishment in 1795, and still exist in the Collector's office in about one hundred large folio volumes, each containing the proceedings of a month. It would appear that the records of the Commissioner's office have not been at all times carefully preserved, as many copies of documents are to be found in the Collector's office, of which the originals are not forthcoming. One document of importance, a report to Government of 104 paragraphs, is not to be found in either of the Benares offices; but I have fortunately been able to procure a copy of it from the India Office, Westminster.

* Since the above was written, a selection of the records made under the orders of Mr. Shakespeare, late Commissioner of Benares, has been published.

It is impossible to study the proceedings of Mr. Duncan without conceiving a profound admiration for his character and abilities. No man ever lived with regard to whom it can be said with greater truth, "Whatever 'record' leaps to light, he never shall be shamed."

Character of Mr. Duncan as shown in the records.

Something of the beauty of his character will, I hope, appear in the narrative of his proceedings, but I may perhaps be permitted, before entering on that narrative, to bring together, without regard to subjects or dates, a few passages of his letters, which seem to me to show the true nobility and greatness of the writer.

The following order with respect to the application of the Tulubana, or fund accumulated from fines on revenue defaulters, was issued by him on the 16th July, 1792, after a year of unusual drought and scarcity, and evinces how deep was his sympathy for the people over whom he ruled.

His sympathy with the people.

To the Amils and Canoongoes.—"As under date the 1st of this month a Purwanah was issued to you for giving up the tulubana of this year 1199 Fasli, in consideration of the drought, you are in the execution thereof to attend to the following regulations and conditions :

Order issued at a time of dearth and scarcity.

1*st.*—"You are to express to all the parties that the present relinquishment of the Government Tulubana is solely for the year 1199 Fasli, and in consideration of the losses by the drought, and that it will never be given up in time to come, but rigorously exacted from the beginning of 1200 Fasli from all who shall fall in arrear in their kists.

2*nd.*—"As the giving up of this tulubana of Government is meant for the relief only of those who have really been impoverished by the late drought, it is therefore to be given only to those zemindars, farmers, and ryots, who in the several pergunnahs shall have been really impoverished by the effects of the drought.

3*rd.*—"In case this relinquishment of their tulubana to the really impoverished part of the malgoozars shall not be sufficient for their relief, the amils and canoongoes of such pergunnahs are, considering God to be present, and upon their faith and religion, to distribute to each of the said impoverished part of them such a proportion of the remaining or surplus tulubana as may be necessary for their relief and support, and prevent the sale of their bullocks, or implements of husbandry, on the accounts of which distribution the amils and canoongoes are by the end of Sawun to deliver in under their seals and signatures, and subscribed with their respective attestations, that they have made this distribution on their faith and religion, to the best of their judgment, for the relief of those really distressed.

4*th.*—"Should the distribution of this surplus tulubana money not be sufficient for the really impoverished part of the malgoozars and ryots, or others, who, in consequence of the drought, as above described, may have been so reduced as not to be fit objects for being supplied with takavey (an advance for purchase of grain or seed), or incapable of relieving their own necessities by loans, the amils are further entrusted and desired, on the said security of their faith and religion, to extend such further aid in money to any proper objects as, in their discretion, they may, with the knowledge of the canoongoes, think to require it, so as to prevent any person or persons within their respective districts from being, by the consequences of the last year's drought, either starved or (as is not inconsistent with the customs in this part of India) from selling their children, or even their bullocks, or implements of husbandry necessary to enable the well-intentioned but disabled cultivators from availing themselves of the blessing of the present abundant rains, towards re-cultivating their respective spots of land."

Mr. Duncan's forbearance and long-suffering towards the people, no amount of folly or obstinacy could exhaust or weary. On one occasion, when Mr. Trevers, the Assistant Resident, had proposed the sale of the estates of some zemindars who were habitually revenue defaulters, Mr. Duncan's reply was as follows :—

His patience, moderation, and unwillingness to sell estates.

"I have received your letter of the 4th February, with its several enclosures.

"Door Sing and Bugget Sing are indebted to the Rajah on their bond, on account of 1194 Fasli, and their conduct has altogether been for this long time past exceedingly reprehensible. I cannot, however, say that I am yet entirely prepared to go so far as to sell their lands in the present instance, and I wish to endeavour to reform them without (if it possibly can be avoided) proceeding to that extremity, although I am sure that their conduct might well enough justify such a proceeding. In the view, however, of trying what a more lenient proceeding may effect, I request you will send them to me under a guard."

After the decision of a warmly-contested case, he wrote, with reference to the defeated litigants: "Chuturdaru seems submissive, whilst Jugurnath appears otherwise, and testifies some degree of insolence in his demeanour and language, which the Resident is willing to overlook, if he go no further."

His courtesy towards his subordinates, and willingness to condone shortcomings.

When anxious to receive without delay a report from the Assistant Resident, his letter urging expedition is couched in the following gentle language, which is a fair specimen of his style of official correspondence, though perhaps a little unlike the ordinary style of Indian official correspondence of the present day, or indeed of the past 80 years.

"I have not yet heard from you in respect to the complaints against Messrs. Gilchrist and Charters, nor whether they have settled for the rent of their lands with the zemindars; but I am not surprised at your silence, knowing that your time has been fully and beneficially employed."

It is not surprising that for such a superior his two assistants, Messrs. Neave and Treves, worked with loyal and devoted zeal, for even when they failed in carrying out the arrangements which he considered the best for the welfare of the country, he was always willing to believe they had done what was best under the circumstances, and to sanction the arrangements they had made.

He thus wrote to Mr. Neave with regard to a pergunnah settlement which involved some novel and objectionable arrangements:—

"Upon a general view and consideration of this settlement, I have no hesitation in expressing my approbation of your proceedings, which I am well convinced have been conducted with the best views towards the public good, at the same time that they have, I think, been attended with as much success as, under the circumstances of the case, with the difficulties you had to struggle against, and the prejudices entertained by the zemindars to a money-settlement, could reasonably be expected.

His straightforwardness.

"In reply to one of his native subordinates, who proposed to give to a word of doubtful meaning in a document the interpretation most advantageous to the interest of Government, he replied: "The said interpretation is forced, unjust, and unnatural; and it is not suitable to the dignity or justice of Government to make any advantage from its subjects by subterfuge or deceit."

Mr. Duncan was as desirous to be treated in a straightforward manner by others as he was careful to act with candour himself. On one occasion, when the Rajah of Benares had covertly insinuated that some lease had been signed by him against his will, and under pressure from the Resident, he in reply pointed out to the Rajah that his proceedings had been throughout wholly voluntary, and that under the circumstances, "Your now writing as if your signing and sealing the pottahs was a matter of constraint in you, seems not quite consistent with your candour. I have now only to request that, if you find the least repugnance to sign and seal the pottahs for the remaining mehals, you will fully signify as much, and not do one thing whilst you think another, for I shall be always better pleased with an open opposition from you than a covert and insincere compliance and an only apparent conviction."

His humour.

Mr. Duncan was not devoid of a certain dry humour, which occasionally relieves the solemnity of his official proceedings. One of his native subordinates, who had been directed to recover a sum of six hundred rupees, if it could be done without having recourse to coercive measures, forwarded a very lengthy representation, stating his inability to do so, and amongst other pleas, urging that—"The state of zemindars of Hindustan is this, that, if there be due from them to the amount of Rs. 100 as revenue to Government, and that the renter of the country should, to satisfy them, ask only one rupee, and give up ninety-nine rupees, yet if the zemindar know that he can possibly save even this single rupee by entreaty, solicitation, wailing, or weeping, or by imputation or rebellion, this single rupee will certainly not be got from him, nor will he ever agree of his own free will to even one single rupee; but in case only he see himself helpless, and then he will not only give one but ten, and as far as a hundred, justly due from him, and this he will immediately make good and pay." Mr. Duncan's reply was as follows:—"I have received the representation you have sent. You were written to, to get six hundred rupees, and you have made so long a story of the affair that, considering the loss of time in correspondence, the value of the paper and ink consumed in it, with the plague of the "*pros* and *cons*" in such a course, these articles may be estimated at more than a thousand rupees. Wherefore the said Rs. 600 are made a gift to you and your zemindars, on the part of Government, on condition that you never renew the mention of the subject to me, that needless trouble may not be occasioned."

His love of learning.

Although he had left Europe when a boy of sixteen, and had in India been so much occupied with his official duties, as to have little time left for literary pursuits, yet still his letters abundantly prove him to have been a lover of learning, a man of culture, and not a mere official.

The following letter of the 19th March, 1789, was addressed to Captain Wilford, afterwards known favourably in Europe as an antiquarian, then a Surveyor in Benares; nor is it unlikely that the influence of Mr. Duncan may have stimulated, if it did not first awake, the antiquarian zeal of Captain Wilford.

Order for scientific survey of the Province.

"As from the nature of the service in which you are now employed, I think it may be in your power to procure for Government accurate information on several points that may fall under your notice, I take the liberty to request the favor that, upon the completion of survey of each mehal, or separate district, you will be so good as to communicate to me your observations under the following heads:—

1. Nature of the soil, &c.
2. Nature of the produce, &c.
3. Number of towns, villages, forts, &c.
4. Particulars relative to waste land.
5. Free lands.
6. Zoology.
7. Natural History.
8. Wells.
9. Highways and Roads generally.
10. Natural and artificial curiosities, ruins, &c.
11. Miscellanies."

The same love of learning may be traced in his letter of January 1st, 1792, proposing the establishment of a Hindu College in Benares, from which the following is an extract:—

Proposition for establishment of a College at Benares.

"Two important advantages seemed desirable from such an establishment, the first to the British name and nation, in its tendency towards endearing our Government to the Native Hindus, by our exceeding in our attention towards them and their systems, the care shown even by their own Native Princes. For although learning has ever been cultivated at Benares in numerous private seminaries, yet no public institution of the kind here proposed ever appears to have existed, to which may in a considerable degree be attributed the great difficulty of now collecting complete treatises (although such are well known to have existed) on the Hindu religion, laws, arts, or sciences, a

defect and loss which the permanency of a college at Benares must be peculiarly well adapted to correct, and recover by a gradual collection and correction of the books still to be met with, (though in a very dispersed and imperfect state,) so as with care and attention, and by the assistance and exertions of the Professors and students, to accumulate, at only a small comparative expense to Government, a precious library of the most ancient and valuable general learning and tradition now perhaps existing in any part of the globe.

"The second principal advantage that may be derived from this institution, will be felt in its effects more immediately by the natives, though not without being participated in by the British subjects, who are to rule over them by preserving or disseminating a knowledge of the Hindu law, and proving a nursery of future Doctors and expounders thereof, to assist the European Judges in the due, regular, and uniform administration of its genuine letter and spirit to the body of the people."

Mr. Duncan performed his ordinary work in a scientific spirit

It is to be observed throughout the whole of the official proceedings of Mr. Duncan, that he carried something of the spirit of a man of science, as well as of a philanthropist, into all the details of his work. He never failed to observe, to record, and to report, for the information of Government, any particulars of the customs of the people, and any of the defects and anomalies of the Mahomedan law, which came under his notice. He was the first discoverer of the system of Rajput infanticide, and the first to attempt its repression. He investigated with the utmost minuteness the habits of the criminal castes, and repeatedly brought to the notice of Government the pernicious influence of the Brahmins, who, by their readiness to commit suicide, and to wound themselves and murder their relatives, had established a complete reign of terror over all the Hindoos of the province, who feared, by incurring their resentment, to become the victims of Divine vengeance.

Mr. Duncan's care never to exceed his powers.

Mr. Duncan, in the care which he took never to exceed his lawful authority, forms a striking contrast both to Warren Hastings and to the Residents who had preceded him. They had been accustomed to bestow with a lavish hand grants of land in perpetuity. Mr. Duncan in 1790 thus wrote: "I have, therefore, during the period of my present office, granted but three sunnuds for inconsiderable immunities, all which I have carefully registered, and advised the Board of them, since I neither consider myself authorized, nor, were I so, should I think it just or admissible in me, or in any Resident of this district, thus to alienate any part of the public funds at his discretion."

His anxiety to convince the people of the purity of his conduct.

A proclamation issued by Mr. Duncan in 1791, after four years devoted and unceasing labour for the good of the people, shows how hard he found it even then to convince them that it was wholly their profit, and not his own, which he sought in all his proceedings. It is as follows:—

"As certain evil and designing persons may have, with a view to forward their own commercial pursuits, pretended, or may pretend, that they are acting in them on the part of the Resident, it is now published, for the information of the public, that the present Resident neither has had, nor ever will have, any commercial concerns on his own account."

He was a favourer of European settlers.

It is worthy of remark that, at a time when the policy of the Supreme Government was, on the whole, one of hostility to Europeans not in the Company's Service, and when the most stringent enactments were passed against their holding land, Mr. Duncan held views favourable to European colonization, and was not ashamed to confess them. In July 1788, he wrote, with reference to a Government order prohibiting European's holding land in farm: "Doctor Gilchrist has rented land in Ghazeepoor from the Rajah's Amil, for the purpose of raising indigo, and the Resident is not aware of any evil results from such renting."

Mr. Duncan was, throughout his whole career, ever the champion of the oppressed and helpless; and thereby incurred the opposition, not only of evil-designing natives, but also the ill-will of some of the English servants of the Hon'ble Company.

Throughout his whole career, he was opposed and misrepresented by the officials of the Commercial Department.

He found that the native agents of the Commercial Department endeavoured to keep the weavers of the province in a state of dependance, and almost of servitude, by forcing advances upon them, and refusing to allow them to refund them, and, at the same time, compelling them, on the plea of the advance, to work only for themselves. To this oppressed class Mr. Duncan extended the protection of the law, and thereby incurred the resentment of Mr. John Lloyd, Commercial Resident of Ghazeepore, who reported to the Board of Trade, Calcutta, that, owing to the "Political situation of the country, and defect in the internal administration of justice, there is no confidence that the Courts, or the established usages of the people, will ensure the due return to advances made, and therefore it was unsafe to make advances for the purchase of cloths for the Company's investment." The Board of Trade accepting Mr. Lloyd's insinuations and accusations as conclusive evidence, and "contenting themselves," as Mr. Duncan observed, "with mere declamation, without specifying ground of proof or probability which could entitle them to pass so harsh and unmerited a sentence, not only on the administration of the province, but on the very manners of the people," commented with much asperity on the "mal-administration of justice in the district of Benares." Mr. Duncan completely vindicated his official proceedings from the charges brought against him. His defence was considered perfect and sufficient, not only by the Governor-General in Council, but by far less favourable critics, the Court of Directors, who, in their despatch of the 30th May, 1792, intimated "that no blame, but, on the contrary, great praise, is due to Mr. Duncan, for his endeavours to regulate the administration of justice in Benares, and for his very commendable zeal in attending to the complaints of the dulals, and others, and for redressing their grievances."

The following extract of a letter to Mr. John Lloyd, written immediately after Mr. Duncan had been apprised of his expressions, is worthy of being inserted: "I have only further to request that, when you write to the Board of Trade on any subject of discussion or correspondence between us, you will be so good as to accompany your remarks with copies of my letters. I do not know that this has not hitherto been the case, and only suggest it as a precaution which may tend to preclude trouble. After this explanation of my sentiments, I assure you that you will find me as uniformly and as heartily disposed as ever I have been to promote the success of your concerns."

Extract from a letter to the Commercial Resident.

CHAPTER V.

STATE OF THE COUNTRY WHEN MR. DUNCAN WAS APPOINTED RESIDENT AT BENARES.

The position and power of the Benares Resident.

It is easier to understand than to define the position and power of the Benares Resident. His first duty was the realization of the Government revenue of forty lacs per annum, which, in proportion to the resources of the country, was very heavy, and could only be realized when the country was prosperous, and the revenue administration good. Hence, for the better security of the revenue, the Resident was authorized to interfere in the internal administration, when it seemed to him necessary for the general prosperity, and for a more vigorous control of the subordinate revenue officials.

Character of Rajah Muheep Narain.

If Rajah Muheep Narain had been himself a wise and able administrator, the Resident would have had little more to do than to count treasure, and to grant receipts; but as the Rajah did not possess a single quality necessary for a ruler, the whole responsibility of the Government of the province devolved on Mr. Duncan. The Rajah was now, in 1787, twenty-five years old. He had been recognized as Rajah by Warren Hastings, in 1781, but for three years had absolutely no share in the government of the country, which was wholly intrusted to the Naib Deputy of the province, under whose seal all orders were issued. In 1784, Warren Hastings, when in Benares, "somewhat exalted', the Rajah, and associated him with the Naib in the administration. Orders were issued under their joint seals until August, 1787, when the office of Naib was abolished, and the Rajah made the sole responsible ruler of the province, which contained the four sircars of Benares, Jaunpoor, Chunar, and Ghazeepoor, corresponding with the present districts of Benares, Jaunpoor, Mirzapoor, Ghazeepoor, and the pergunnah of Chowsa, now in Shahabad, and of Sekunderpoor, and Bhadaon, now in Azimgurh. The Rajah was succinctly described by Lord Cornwallis, as "a fool." Though perhaps not wholly devoid of understanding, his mind and body were alike feeble. He was timid, vacillating, and suspicious. The fate of Rajah Cheyte Sing seems to have been always before his mind, and to have made him fearful of offering open resistance to any strongly expressed wish of the Government, or of the Resident; but occasionally a fit of sulkiness or obstinacy seized him, and when the Resident least expected it, he found a cherished scheme thwarted.

Some of Mr. Duncan's most important measures were adopted without consultation with the Rajah, whose ill-health often prevented his transacting business. He suffered from epileptic fits, and died in the end of 1795. Like most weak characters, he was very superstitious. On one occasion, when Mr. Duncan proposed that the European surgeon of the Residency should attend him, he declined the offer, and stated that his illness had been caused by his having left his house at Ramnugger at an inauspicious moment, and that he was about to return there, and leave for Benares at a more lucky time. He seems to have been well-intentioned, not vicious, nor inclined to cruelty or oppression. He never relied on his own judgment, but trusted implicitly to that of his favourite servant. Of these, Baboo Dhuleep Singh was the most trusted, and, at the same time, the most mischievous. His influence was so great, that it was a common saying:

> Without Dhuleep
> Never spoke Maheep.

It was steadily opposed to that of Mr. Duncan; and in pergunnah Bhudohee he did much harm.

State of the country.

Before entering upon the account of Mr. Duncan's proceedings in Benares, I propose to describe the actual state of the country, and the system of administration in force there, with as much accuracy and fulness as my researches in the Benares records enables me to do.

Some account of the ancient history, and of the land-owning tribes of the Ghazeepoor district, has been given in the second and third chapters of the first part of this memoir. From the circumstances there described, it has appeared, that the present hereditary Hindoo land-owners of the district, are nearly all the descendants of Hindoos, who, after the downfall of Boodhism, settled in the Benares province. The old Aryan lords of the country, weakened by the sanguinary internecine wars which terminated in the extirpation of the Boodhist religion, had lost their hold of the district, which fell again into the possession of the Aboriginal Tribes, the Bhurs, the Cheroos, and the Seorees. The Rajpoot and Bhooinhar tribes, who are now the chief land-owners, trace their descent from colonists from the north, the south, and the west of India; from the neighbourhood of Delhi and of Muttra; from the forest at the foot of the Himalayas; from the Gungotri Doab; from Oojain and the Narbudda Valley; and even from the distant Carnatic; but, with a single exception, not a tribe claims or admits that it has been settled in the district from immemorial time.

The Hindoo land-holding tribes of the province are the descendants of persons who settled much after the downfall of Boodhism.

The tradition which prevails among the Ghazeepoor land-owners of their colonization at a not very remote period, and of their having obtained their estates by conquest from the land-owners of a non-Aryan race, is, I believe, not less universal in other parts of the Benares province.

This is the case, not only in Ghazeepoor, but throughout the whole province.

The three great Rajpoot tribes of the Mirzapoor district, the Guhurwars of Kuntit, the Chundels of Bidgeygurh and Burhur, and the Monus of Bhudohee, have, I know, traditions of the kind. In the Jaunpoor district, the universality of the belief is curiously illustrated by a petition presented to a Revenue Officer (Mr. Barlow) in 1816, of which I subjoin an extract. This petition appears to me to have a special interest, as it shews that the tradition of the old ownership of the Bhur race survives not alone among the Hindoos, but among the Mahomedans; and in it we find Mahomedans urging their right to property, not in virtue of the Royal grants, or of conquests from the Hindoos, but on the ground that their ancestors were the first conquerors of the aborigines, and colonists of an earlier period than the ancestors of the Hindoo claimants of the land.

Extract from a petition of Mullick Rumzan Ali, and Mullick Imam Buksh, dated the 21st July, 1816, Zemindars of Tuppa Moonhear.

"On the many acts of violence committed by the Rajcoomars, your petitioners will relate a few for your information, such as occurred in the time of our ancestors.

Petition presented in Jaunpoor, in 1816.

The whole Raj of Benares was originally under the dominion of infidels of the Rajbhur tribe, and not a single Mussulman was to be met with here.

When Sultan Mahomed meditated the subjugation of Hindustan, our ancestors, who had emigrated from Arabia, and settled in Khorason, were amongst the Mussulman troops who accompanied the conqueror. The inhabitants of every city in India fell under the subjection of the Sultan. But the Rajbhur tribe of these zillahs, through their haughtiness and presumption, disregarded the orders of the Sultan. In order to punish and extirpate them, a very large army was deputed for the purpose, under the command of a celebrated warrior, by name Massood, who was nephew to the Sultan, and appointed by him to administer the Government of this part of the country.

Mullick Utaoolla, one of your petitioners' ancestors, a celebrated captain of the age, accompanied the Prince, with his benign permission, as did all his relations. The Rajbhurs armed themselves for resistance, and a very formidable battle ensued, in which many of the relations and connexions of Mullick Utaoolla fell, whose tombs

erected to their memory, are now to be seen at Moonhear. The Rajbhurs, however, were cut to pieces, and the country became again subjected to the power of the Sultan. In consequence of this victory, an estate was granted to each Mussulman.

A little more than two hundred years ago, the Rajcoomars, by nature a sanguinary race, (and to this day by no means altered in disposition,) having incurred the resentment of the Sultan, two of them, by name Krishen Raj and Burrear Singh, fled from their native country, and concealed themselves in mouzah Jamoowan, in the Nawab's territories. They were very rich, and had a numerous offspring, who, acquiring power in that neighbourhood, assumed the title of Rajahs. Their children again spreading about, called themselves Rajcoomars or descendants of the Rajahs and came and settled in this country."

Hindoos generally before Mahomedan settlers.

There can be little doubt that, in some cases, as, for example, in that of the Hayobuns colonization of Bulliah, Hindoo tribes settled in the lands which they now own at a date much later than the Mahomedan conquest; but, for the most part, the Mahomedan colonization was subsequent to the Hindoo, and the Mahomedan land-owning tribes are either the descendants of Hindoo proselytes, or of Mahomedan chiefs, who, by the might of their swords, or by the grants of their princes, obtained possession of the estates of Hindoos.

Hindoo cultivators not of the land-owning tribe.

Besides the cultivators who belong to the land-owing tribe, there are in every part of the country non-proprietary cultivators, the descendants, it may be, of Hindoos of the earlier period of Aryan supremacy, or of men who, when the second tide of colonization set in, accompanied the Rajpoot and Bhooinhar chieftains from their homes. Brahmins, scarcely ever land-owners, are perhaps the most important class of husbandmen in the province, although by no means the most skilful or industrious. The Koiries of Ghazeepoor, and of the other districts, are perhaps the most skilful cultivators in India, and raise three crops in the year from the same land without exhausting it. The Koonbees of Mirzapoor, though somewhat less skilful, are a more manly race than the Koiries, and are thrifty and hard-working. Aheers, who are more properly tenders of cattle than husbandmen, cultivate largely everywhere, but especially in Ghazeepoor.

Besides these tribes there are innumerable numbers of cultivators of the other Hindoo castes, of Mahomedans, and of the non-Aryan or mixed races.

About one-third of cultivated area of Ghazeepore is recorded as in the cultivating occupancy of landholders.

From enquiries instituted in the Ghazeepore district, it appears that about one-third of the cultivated area of the district is entered in the village records as "seer of the zemindars,"—that is, land cultivated by the proprietors.

In the case of villages which have by grant to jagheerdars, by auction, or by private sale, been transferred to strangers, the seer of the new owner is generally small, while the seer land of the old zemindars now appears recorded, not as *seer*, but as the holding of non-proprietary cultivators; consequently, the actual *seer*, or *nij jote* of the hereditary land-owners, must be in reality considerably larger than the area recorded as *seer* in the village records.

It is probable that in the Ghazeepore district nearly one-half the cultivated area is in the direct cultivation of men who either retain their hereditary estates, or have lost them within the last century.

Under the English Government, village administration is entrusted to village owners: this was not the policy of the Native Government.

Whenever the proprietors are in full ownership of their estates, they have a right to receive the rents of the non-proprietary tenants, and to enjoy whatever power or privileges may be attached to the management and revenue administration of the village.

From the earliest times, it has ever been the aim of the English Government to entrust the charge of village administration to the village owners or their representatives. Under the Governments which preceded the English, this was not the case.

Todur Mull's system.

In the revenue system of Todur Mull, the celebrated finance minister of Akbar, as described in the institutes of that monarch, village administration was wholly withdrawn from the land-owners. The collectors of revenue were directed to transact the whole of their operations, both for the settlement of land and for the collection of revenue, not with zemindars or the head-men of villages, but directly with the cultivators themselves. Village owners were regarded as persons to be vigilantly repressed by the military authorities and the criminal judges, but the amils or collectors were to have no connection with them in the assessment or realization of the revenue.

This system broke down in the decline of the empire. Pergunnah zemindars.

Whether this (ryotwaree) system was ever rigorously enforced is doubtful; but it is quite certain that it was a system which would be unpopular with the land-owning tribes, the most martial in the country. It could only be maintained when the authority of the executive was so strong as to overcome all opposition, and even if enforced during the reign of Akbar, it wholly disappeared during the feeble and distracted reigns of his successors. At the decline of the empire, not only were the village zemindars in full possession of their estates, but the revenue administration of the country was to a very large extent conducted through Hindoo and Mahomedan chiefs, who were styled Goshwara or pergunnah zemindars, and who took the place of the amils of Akbar's system. The pergunnah zemindars were generally owners of the pergunnahs which they administered; for example, the whole zemindaree rights of the extensive talooka of Suktesgurh, in the Mirzapore district, belonged to the Rajah of Kuntit. Furthermore, as for some considerable time they realized their rents from the village zemindars, they gradually acquired a kind of superior proprietary right in the entire pergunnah.

In or about 1727, the Nawab Vizier of Oudh was invested with the administration of the Benares Province. For the first twelve years of his government, while he was represented at Benares by Nawab Roostum Ali, the zemindars of the [illegible] were not disturbed in the possession of their estates.

The zemindars disturbed in the possession of their estates by Shaikh Abdoollah in Ghazeepore, and by Rajah Bulwant Singh in the other districts of the province.

In 1739, the Sircar of Ghazeepore was made over to Shaikh Abdoollah, whose son, Fazl Ali, retained charge of it till 1757. The existence of zemindaree rights in Ghazeepore up to the commencement of Shaikh Abdoollah's administration is proved from the fact that he and his son obtained by compulsion from the land-owners deeds of sale of no less than 1,647 villages. The Rajah of Benares, who had in 1739 obtained from the Nawab Vizier the administration of the other three districts of the province, was in 1757 invested with the government of Ghazeepore also. Nawab Fazl Ali, after an unsuccessful fight, fled; and the deeds of sale of the villages he and his father had bought became waste paper.

Revenue Policy of Rajah Bulwant Singh.

The revenue policy of Rajah Bulwant Singh was very much the same as that of the finance minister of Akbar. The first principle of his administration was to destroy the authority of the land-owners. (*a.*) The pergunnah zemindars were deprived by him of their administrative functions, dispossessed of their private estates, and either killed or banished. In their place amils were appointed, many of them kinsmen of the Rajah; and to them the pergunnahs were given in farm from year to year. The village zemindars were either wholly deprived of their powers of village administration, or their tenure of it was made uncertain, unprofitable, granted only from year to year, and held only as long as they pleased the Rajah.

Letter of Rajah Maheep Narayan.

The following letter from Rajah Maheep Narayan to Mr. Duncan explains with tolerable accuracy the general principles of fiscal administration adopted by his grandfather :—

"My kind Sir,—I did heretofore relate to you the situation or manner of the settlement of this country in the time of Maharajah Bulwant Singh (now in paradise), that the plan of the settlement of the country was not in one way or mode. When-

ever he knew it proper to receive the malgoozaree or revenue from the land of the zemindars, he did so, and whenever he knew the zemindars to be wicked desolators, and such men as the revenue would not be effected by, he then made the villages kucha and took the revenue."

Village zemindars were allowed to remain in cultivating occupancy of their fields and had some other immunities.

The village zemindars were, however (as is fully proved by the Benares records) allowed to remain, even when dispossessed of the village administration, in possession of their *seer* land on favourable terms. Grazing, fisheries, and forest produce of the village seem generally to have been left in their undisturbed possession, and they enjoyed a part of the proceeds of the abkaree or tax on spirit-sellers, ghur dewalee (house-tax), khurgahee (tax on looms), and rahdaree or transit duty on grain and all other articles of commerce which passed through the village. Furthermore, they were allowed by the Rajah certain remissions and grants for their support, under the name of "choot," and "moafee mamoolee," and "nankar," amounting in the whole province to about a lakh of rupees per annum. These grants were intended especially for the benefit of those zemindars whose turbulence and discontent would have given trouble, or as a reward for those who had made themselves useful to the Rajah.

Extension of cultivation aimed at by Rajah Bulwant Singh.

As the Rajah's revenues were wholly dependent upon the assets of the country, or, in other words, on the extent of land cultivated and the quality of the crops, the second great principle of his administration was to extend cultivation.*

In Bulwant Singh's time the amils had [illegible] to realize rent du[illegible] of the [illegible]

To ensure the extensive cultivation of this country, Rajah Bulwant Singh laid down a strict rule that the entire rents of the husbandmen should be received from them for each year before the commencement of the rainy season of the next agricultural year, so that for the first three months of the rainy season they might apply themselves rigorously to cultivation, without molestation from the collectors of revenue. (*b.*) The amil's authority for collecting revenue extended over nine months of the year, from October to the end of June, and they were required to complete their own payments within ten months of the year,—namely, from October to July.

This rule fell into abeyance after Rajah Cheyte Singh's time. Decline in prosperity which ensued under the English Government.

No rule could be more simple or better calculated to secure extensive and careful cultivation; but to enforce it, the constant and strenuous efforts of a vigorous ruler were necessary. In the time of Rajah Cheyte Singh the regulation was less strictly enforced, and during the government of the Naibs it fell wholly into abeyance. Balances of revenue were allowed to run on from one year to another. The villagers, still busy ploughing or sowing their fields, were harassed by demands for last year's rent. In many cases the amils were changed at the beginning of the rainy season, and while the subordinates of the new amil were endeavouring to induce the husbandmen to plough, the officers of the former collectors were busy extorting from them, by flogging or incarceration, the real or fictitious balances of the past year. The result of this change in the system of administration soon became apparent. Year after year the extent of fallow land increased, the wells fell into disrepair, the cultivation became careless, the land formerly appropriated to the more valuable produce was sown with common grains, the revenue assets of the province grew less and less, and the revenue was realized with ever increasing difficulty.

---

*NOTE.—In the study of the history of the permanent settlement, and of the systems which preceded it, some difficulty occurs from apparent confusion of dates, which it is desirable to explain. The revenue year in force in the Benares Province was that of the Fusly or Elahee era, which had first been established by the Emperor Akbar. The era of the Hegira, which had prevailed before that reign, being a lunar year, was unsuited to a revenue system wholly dependant on the crops. The Fusly year corresponded with the Hegira date of the first year of the Emperor Akbar, but from that period it has diverged at the rate of one year in thirty-six from the year of the Hegira period. It commences in the Hindoo month of Kooar, which nearly coincides with October. But the cultivation for any year always begins when the rain falls in June or July. Hence the cultivation of three months of the rainy season, July, August and September, in any Fusly year, is the cultivation *for* the succeeding Fusly year. For example, the cultivation in July, 1789, takes place in 1196 Fusly, but is 1197 Fusly.

The amils, who at the beginning of the year stipulated for the amount of the revenue to be paid by them, found themselves unable to fulfil their engagements, and either endeavoured to make good the deficiencies of one year from the assets of that which followed, or threw up their farms and fled, after collecting as much, and paying as little, revenue as they could. During the administration of Rajahs Bulwant and Cheyte Singh the province of Benares was everywhere well cultivated and flourishing.

Miserable condition of the country in 1787-88.

Only six years after the flight of Rajah Cheyte Singh it was nearly everywhere in a decayed state, and in some parts of the province the decay had been rapid and alarming. Mr. Duncan, in April, 1788, noticed "the state of desolation of pergunnah Sekunderpoor, the distressed and ruined situation of the ryots, and the mortality among the cattle, all of whom are dead." He estimated that in that pergunnah there were sixty-six thousand acres of cultivated land lying fallow, and thirty-three thousand acres in the adjoining pergunnah of Khereed.

In August, 1788, a report was sent in from the native opium agent with regard to pergunnahs Zahoorabad and Pachotur, as follows :—"The ryots are in a terrible state, and to such a pitch have they been oppressed that they have been obliged to sell their bullocks. In Ghazeepore Pergunnah, the wells which had been in existence in the time of Rajah Cheyte Singh had many of them fallen into decay. Lands which then produced sugar, tobacco, and vegetables, the most valuable crops, were in common grain crops; and to add to the troubles of the people, a grievous mortality had taken place among their cattle."

Waste lands in many pergunnahs.

There were also extensive tracts of waste land in pergunnahs Kuntit, Shadeabad, Dhoosa and Chowsa; and from Mr. Duncan's report of 26th April, 1789, it appears that in many parts of the country more than one-half of the cultivated land was lying waste when he assumed office.

Boundary disputes.

Amongst the minor causes for this deplorable state of the country were the numerous boundary disputes, which, in some instances, were, even in Mr. Duncan's time, a hundred years' old, and which, in not a few cases, still survive in a modified form. In the alluvial low-lands of the Ganges where, during the annual submersion of the country, artificial and natural boundary marks are destroyed, and the features of the country altered by frequent changes in the course of the river, disputes are most common. That between Sherepore Keshupore, of Zumania and the adjacent villages, which, in the time of Rajah Maheep Narayan, was the cause of many a sanguinary affray, has, during the present century, been the point at issue in many a civil suit not less ruinous to the litigants. A hundred years ago the question was, not so much who should be the first to plough and sow a disputed tract, as who should be the first to cut the crops, by whomsoever sown. The natural consequence was, that the land remained waste. In Pergunnah Shadeabad the land, permanently waste owing to boundary disputes, was estimated to exceed thirteen hundred acres.

Waste land in Bulliah.

The state of the waste land in disputed tracts in Bulliah will appear from the following extract from a report on that pergunnah by Ramchand Pundit, an able and honest amil :—

"In the tuppeh of Khurnaie, for two or three acres there is a forest of large pulas and other trees, and long grass, occasioned by the said land adjoining three frontiers, namely, on the south-west that of Chait Buragong, on the north-west that of Kopah, and on the north that of Khereed; and as the zemindars of all these places are turbulent and have always carried on contention with the zemindars of Betiah, therefore Rajah Bhawayel Singh committed the villages of the tuppeh of Khurnaie to the zemindars of Khereed, that they might enjoy the produce thereof, and be always ready to fight with zemindars of Kopah and of Chait Buragong, otherwise called Cheet Ferozepore. By this disposition the land in question has become fallow and woody, and if any ryots undertake to bring any part thereof under cultivation, the zemindars on all three sides molest and obstruct them; and although the zemindars of Khereed do cultivate it

more or less, yet they do not carry it on effectually, but may be said to keep the jungle in question as a place of asylum, where, when they differ with the Amil of Khereed, they find a place of retreat."

The amils Their revenue fixed before, but village rents after, the end of the agricultural year.

I have already stated that in the native system of administration the country was leased by the Rajah or the Naib to farmers-in-chief, called amils, of whom there were sixty-six in 1787. The amount to be paid by each amil for his pergunnah, or group of pergunnahs, was fixed at the beginning of the year. On the other hand, the amount payable to the amil by the subordinate farmers for the villages held by them was generally undetermined until actual measurement was made of the land under cultivation not long before the crops were fit for cutting.

Mr Duncan's explanation of the system.

The following extract from Mr. Duncan's report of the 26th April, 1789, explains the actual working of the system, and shows how insecure was the position of a village lessee under the native revenue system:—

"In this country the amount of the revenue as realized from the mofussil is founded and depends for the most part on the extent of the actual cultivation. The amils can never therefore ascertain to a certainty the exact amount of their demand on the ryots and under-farmers till the rubbee or last crop be in forwardness and even nearly ripe. It is therefore usual, in cases of sub-farmers, for the amils to collect from the under-renters, whether these be petty zemindars or mere contractors, on account till that season of the year when the whole produce is capable of a united estimation. Such zemindars or farmers then enter into their cabooleats for the whole year, about which many disputes often occur, because, if the amil be not satisfied that his under-farmer is willing to pay to him the proper and adequate consideration for his farm, he naturally wishes to dispossess him, and either to give it to another, or to collect himself immediately from the ryots."

Annual measurements were generally, but not universally, in force throughout the province.

The system of ascertaining the crop by annual actual measurement prevailed in all parts of the province, and especially in Ghazeepore. In the Jaunpore district it was less prevalent, and even in the Ghazeepore district it was not universal.

The zemindars of pergunnah Luknessur, after a bloody fight with Rajah Bulwant Singh, which lasted some days, obtained from him the privilege of managing their estates in their own way, on payment of a very moderate fixed annual tribute.

System in pergunnah Puchotur.

The following extract from a report of the canoongoo, as to the revenue system of pergunnah Puchotur, is interesting, as it shows that other systems of assessment had been tried there before the method of annual measurements was finally adopted :—

"That in the year 1173 Meer Sharf Ali farmed the pergunnah, according to the request of the zemindars, from Bulwant Singh at Rs. 55,000, and when he went into the pergnnnah and ascertained its produce, not seeing it equal to answer the Government demand, he told the zemindars that it was at their request that he had taken a lease of the pergunnah. Whereupon they desired him to measure the whole pergunnah and to lay an equal assessment upon each bigah and dam, and they would take upon themselves to make up in that manner the full sum of the Government rental. When all the pergunnah was measured, Rs. 2-8-0 was fixed on per bigah, by desire of the zemindars, as the *rya*, or common rate, and as by that *rya*, or standard, also there was not a prospect of paying the stipulated revenue, he (Sharf Ali) again had recourse to the zemindars, who thereupon fixed two annas per rupee to be collected as *kharch*. In that year there happening a storm of hail, the revenue was not fully collected in 1174, the hailstones of the former year having greatly reduced and injured the country. Meer Sharf Ali made the settlement of each village separately, fixing agore bataie (or payment in kind) in many places, and annexing the collection of many spots to the pergunnah of Bulliah. In that manner he made such a settlement as

tended to the happiness of the people. He fixed the cesses of the pergunnah at Rs. 1-9-0 per cent., and up to the end of 1191 Fusly the same cesses remained current, and nothing more was claimed."

Cash rents prevailing in different parts of the country.

The rents payable by the cultivators were of two kinds,—namely, cash rents and grain rents, and consisted of two parts,—namely, the rent proper and the cesses. Of these I shall treat separately.

In a report of the Assistant Resident the rates at which fallow land was leased in pergunnah Khereed were as follows:—

Woody waste—

First year, 4 annas a bigah, or 0*s.* 9*d.* per acre.
Second year, 8 ditto ditto, or 1*s.* 6*d.* ditto.

Waste land not woody—

First year, 8 annas a bigah, or 1*s.* 6*d.* per acre.
Second year, 1 rupee per bigah, or 3*s.* per acre.

Land only one year fallow—

First year, 12 annas per bigah, or 2*s.* 3*d.* per acre.
Second year, 2 rupees ditto, 6*s.* 0*d.* ditto.

Mr. Neave, Assistant Resident, in a report of 2nd June, 1788, reported prevailing cash rents of the Jaunpur district to range from 12 annas to 7 rupees per bigah (2*s.* 3*d.* to 21*s.* per acre).

The following tabular statement shows rates of rent mentioned in the Duncan records as actually in force in certain parts of the Ghazeepore district, and the rates reported to be prevailing for the same classes of land in 1873 in the same pergunnahs. For conversion into English measures, the Benares bigah may be calculated at two-thirds of an acre:—

Class of crops.	Pergunnah.	Rate per bigah, in Mr. Duncan's time.	Rate per bigah, in 1872.
		Rs a.	Rs. a.
Ordinary cereals, ...	Puchotur, ...	2 4	
	Khereed, ...	2 8 rent proper.	3 0
		1 5 cesses, in 1871.	2 8
		1 12 rent proper.	
		9 annas cesses in 1789.	
	Zahoorabad, ...	2 8 paid by Korees. ...	
	Shadeabad, ...	2 4	2 8
Sugar-cane, ...	Puchotur, ...	3 8	3 0
	Zahoorabad, ...	5 0 paid by Korees.	5 0
Tobacco, vegetables and opium.	Puchotur, ...	5 0	5 8
	Khereed, ...	7 0	6 0
Rose cultivation, ...	Ghazeepore, ...	In 1781 A.D. Rs. 10 per bigah, reduced afterwards to Rs. 7.	8 9
			8 0
Indigo, ...	Ghazeepore, ...	6 0 per bigah.	4 8

In the form of a lease given in section 2 of Regulation XLI., 1795, the rates mentioned are Rs. 5 per bigah for sugar, Rs. 6 per bigah for tobacco, and from 12 annas to Rs. 1-12-0 per bigah for ordinary grains.

On the whole, it would appear that the average rates of rent of the province were:—

For sugar-cane, Rs. 5 per bigah, or 15*s.* per acre.
For tobacco, opium, and vegetables, Rs. 6 per bigah, or 18*s.* per acre; and
For ordinary grain, about Rs. 2 per bigah, or 6*s.* per acre.

In the present day, the average rents for these crops are, in lands held by hereditary resident tenants and ex-proprietary tenants:—

For sugar-cane, Rs. 6 per bigah.
For tobacco, opium, and vegetables, Rs. 9 per bigah; and
For ordinary grains, Rs. 2-8 per bigah.

The rents paid by tenants in short rents are at far higher rates. The following tabular statement shows prices of the leading cereals at various times during the administration of Mr. Duncan :—

Prevailing prices of grain.

Seers per Rupee.

	Gram.	Rice.	Wheat.	Barley.
			Seers.	
March, 1788, ...	60	...	34	61
April, 1788, ...	75	...	...	86
December, 1788 (scarcity), ...	...	10 to 20	19 to 23	28 to 37
January, 1789, ...	...	...	...	35
March, 1789 (a famine time), ...	...	...	...	26

The ordinary proportion of grain due to the Rajah was exactly one-half. In Jaunpore, and in most parts of the Ghazeepore district, this was invariably the case. In some pergunnahs, the Rajah's share was 9-16ths, and that of the ryots 7-16ths. In Kurreendah, out of two maunds of grain, the Rajah's share was 1 maund and 3 seers, and that of the ryots 37 seers.

Grain rents, the Rajah's share of produce of crops.

In the assessment and realization of grain-rents, three methods were in force in different parts of the country :—

Systems of agore bataie and kankoot.

1st,—Actual division of the crop after cutting, called agore bataie.

2nd,—Estimates or appraisements of the crop by the arbitrators while the crop was standing, called kankoot.

The following extract from a report of the Bulliah amil explains how the system worked when the amil was a well-meaning and honest officer :—

How it worked in Bulliah.

"As to kankoot or estimation of the natural produce, where the revenue is collected in the bataie mode, when the estimation made out, for instance, 20 maunds, and the cultivator objected thereto as not allowing there to be so much, I told him to take his share of maunds, which of course he agreed to, and gave in his writing that he was satisfied ; but when the grain in question came to be weighed, and there turned out, for instance, to be 25 maunds, then the aforesaid party, confessing himself in fault, begged to be admitted to his share of the 25 maunds, which at length he was allowed. In the agore bataie, where the natural produce is actually divided between the amil and cultivator, in several places, to settle disputes, a certain and equal number of sheaves were placed on ranges or sides. Two notes or billets were then prepared, on one of which the amil's, and on the other the ryot's, name was written. These two billets were given into the hands of a child of five years old, that he might place one on each of the ranges. The sheaves where the amil's billet was laid became his, and those on which the ryot's name was placed were the ryots. In this manner I kept the ryots pleased, knowing such to be your intentions."

In pergunnah Kurreenda, it was the custom for the amil to depute an amoon or commissioner to visit the village when the crop was standing, to measure the ground under each crop, and to determine by estimate the produce per bigah. A month afterwards the amil visited the village, and sold back to the villagers the Rajah's share of the produce at the current market price of the day.

In Kurreenda.

The system of variable grain rents and actual division of the produce was very popular in the province; and it will appear hereafter that one of Mr. Duncan's greatest administrative difficulties was to induce people to take leases of villages at fixed cash rents.

Popularity of the system of grain rents.

One chief cause of the preference for grain rents was the facility which it afforded the villagers of depriving the Rajah of his dues.

It was easy for them to remove a considerable part of his share of the crops without the knowledge of the amil.

Disputes as to whether the rents were grain or cash rents.

It may be here remarked, that when the custom of rent was not very clearly defined, the amils in bad seasons claimed a cash rent, and when the crop was good, refused cash, and claimed half the actual crop; while, on the other hand, the cultivators tendered cash payment in favourable seasons; and when the crop was a bad one, offered half the actual produce.

Cesses.

In addition to the rent proper were the cesses. During the administration of Rajah Bulwant Singh and of his son, the cesses were commonly at the rate of Rs. 1-9-0 per Rs. 100. Of this amount one rupee eight annas was bhurray, of which one-half was the due of the Rajah, and one-half of the banker who remitted the collections from the amil's office to Benares.

New cesses during the administration of the Naibs.

During the administration of the Naibs the cesses increased with alarming rapidity. Mr. Francis Fowke, the Resident, established a cess at the rate of Rs. 3-2-0 per hundred for the benefit of his favourite, the treasurer Cashmiri Mull, and a cutcherry nazarana for himself and his subordinates at Re. 1 per hundred.

There was also before Mr. Duncan's appointment an undefined amount of private nuzzurs for the Resident himself.

A cess which produced about forty thousand rupees per annum in the whole Provinces was imposed for the support of the pergunnah canoongoes, a class of revenue officials whom Rajah Bulwant Singh had abolished, but whose office Warren Hastings revived.

Other cesses of various amounts were imposed at the pleasure of the amils in different parts of the country.

Rates of cesses prevalent in various parts of the country.

In pergunnah Chowsa, the cesses were at the rate of Rs. 16 per. cent extra, over and above the rent proper.

In talooka Lotah, the new cesses over and above those in force in the time of Rajah Bulwant Singh were at the rate of Rs. 9-6-0 per cent; and the following is the detail of them given in Mr. Duncan's proceedings :—

1 rupee rassoom khazana.
8 annas nankar of canoongoe.
8 annas rizema and paleen of canoongoe.
1 rupee bhet or duhez and neota.
1 rupee chanda.
8 annas kharch writers.
1½ rupee multana.
5 annas purkay and Rs. 3-1-0 miscellaneous.

Methods used in realization of rent or revenue.

For the realization of the rent or revenue,—for in speaking of the condition of the country at this time, the terms are, to all intents and purposes, synonymous,—measures short, sharp, and decisive, were adopted. If the ryots failed to pay the dues of the Rajah, the whole crop was sold, and if they had removed the crop stealthily, or the amil had neglected to realize his dues while it was still forthcoming, they were themselves imprisoned and often cruelly tortured. The cases noticed in Mr. Duncan's proceedings are very numerous. I mention a few of them : —

Instances of torture.

In September, 1790, a nephew of Thakoor Oomrao Singh, father-in-law of Rajah Cheyte Singh, tied a ryot, who owed him rent, head downwards from a camel saddle, and then urged the animal to full speed. The ryot was killed in a few moments by the kicks of the camel.

In January, 1788, Hurdeo Singh, who owed revenue, was taken into custody by the amil of Zumania, and beaten with the butt end of a musket till he died. In May, 1788, the amil of Moongra reported the impossibility of realizing revenue without the free use of corporal punishment. In June, 1788, an Amil enforced an extortionate demand of revenue from two village renters by such severe chastisement that one of them died.

In Pergunnah Chowsa, it was the custom to realize the revenue by the torture of the *filuk* or halberds. Defaulters were hung up from halberds till they paid what was demanded from them, and probably flogged.

Even as late as 1792, when Mr. Duncan had for four years endeavoured to abolish these violent measures of recovering revenue, the Assistant Resident, on visiting Pergunnah Chowsa, found that, "according to pergunnah custom, twenty or thirty zemindars were tied up daily and flogged most cruelly."

The Benares administration less severe than that in force in Azimgurh.

The measures adopted for the realization of revenue in Benares were, however, mild compared to the procedure of Aeen-ood-deen, the Governor of Azimgurh, under the Nawab Vizier of Oudh. "His only expedients were cannon, the sword, and an army," which was let loose on the country, and devastated it like a swarm of locusts. Under the administration of this tyrant Azimgurh was depopulated and made a desert, and all the villages of the Benares province were filled with the fugitives.

Sufferings caused by the cruelty of the amils, though great, were not lasting in their effects.

The sufferings caused by the violence and cruelty of the native collectors of revenue were very great, but they were not lasting. In time the fugitives returned to their homes and rebuilt their houses, and the sons of the men who had been killed succeeded to their fathers' lands, and now, after a couple of generations, all that seemed so terrible at the time has been forgotten. On the other hand, the sale of an estate for the realization of revenue at first appeared a meaningless ceremony. The owners still continued in their lands and houses, and for long paid no more to the auction-purchaser than they had paid to the revenue collector. But time has gradually developed the full effects of the measure. The defaulters themselves may not have felt the sale a punishment, but to their children and grand-children it has been a source of daily suffering. A stranger, and often an enemy, has been established in their midst as their master. All the privileges of grazing, of fishery, of felling wood, of gathering the fruit of their trees, have been curtailed or taken away. Their rents have been made liable to a never ceasing course of augmentation, and every process of the law has been used for its realization. They have, through the fault or misfortune of their fathers or grand-fathers, become thus liable to a war of extermination, in which every improvement in the procedure of the courts, and every additional increase in the efficiency of the executive administration of the country is day by day and hour by hour employed for their destruction and expulsion from their ancestral tenures. It has been well said, that there are in wounds slashes which look ugly enough, and which in reality mean nothing at all; and there are, on the other hand, almost invisible punctures which carry with them dissolution and death.

The sale of the ancestral property of a family or tribe of land-holders in India is a wound of this latter sort.

Unsubdued zemindars during the time of Rajah Bulwant Singh. Sengurs, Rajkoomars, and Baises.

The only classes of zemindars who, during the administration of the Rajahs of Benares, tolerably preserved their independence seem to have been the Sengurs of Luknesur and the Rajkoomars and Baises of the northern border of the Jaunpore district. I have already noticed, in the first part of this Memoir, the favourable terms conceded to the Sengurs by Rajah Bulwant Singh after some days of hard fighting.

The following extract from Mr. Duncan's report of April 26th, 1789, has reference to the other two classes :—

Mr. Duncan's account of the Rajkoomars.

"The first class is the tribe of Rajkoomars, who deduce their descent from Raja Pethowra (in whom indeed, about 600 years ago, the Chowhan dynasty was united with that of the princes of Delhi), and from whose stock the present race of the Rauje Koomars (who then also assumed this new family denomination) is believed to be sprung. It is said their numbers do not altogether exceed 40,000, most of whom inhabit, in nearly one society, the opposite line of our boundary in His Excellency the Vizier's dominions; but unfortunately for the quiet of both countries, they possess lands that pay about Rs. 20,000 revenue in Anglee and Khereat Khera, on our side. They were originally Rajpoots, and even exceed that tribe in the wildness of their natures and peculiarity of their manners; scarcely owing any allegiance either to the Nawab's or to our government, and always ready to betake themselves to arms, which they are inured to from infancy, in resentment either for public or private wrongs, real or imaginary. At the same time, I am assured they have a point of honour from which they do not deviate, and are famous for faithfully adhering to such engagements as they are pleased to enter into.

And of the Bais.

"The second class of turbulent subjects which the Company possess in that corner of the country are the inhabitants of the talook of Singramow (which is the only part we possess of the pergunnah of Cundeh in the Vizier's dominions), and those more especially of Badlapore, a separate, distinct, and independent talooka, situated in the pergunnah of Raway. Of these places there are two chief talookdars, *viz.*, Abdool Singh of the Bais caste, and Sultanat Singh of the tribe of Bussayne, who, with their forefathers, have been time out of mind in the habit of considering themselves (somewhat like the tribe of Sengurs in Lukneser, already described in my letter of the 17th of November last) more in the light of tributaries then real subjects; paying only a revenue, and that even with little punctuality; so that they still used to make the revenue of one year fall into the form of the succeeding one, by which they are in fact almost ever in some arrears; notwithstanding that of late years the Government amil has, on that account, interfered more in the detail of those talookdars' collections from their vassals and renters than was formerly allowed; for, when force alone was practised to compel them to greater regularity, they found a ready and easy impunity either in passing over to the Nawab's borders, or in retreating into their jungles, or in setting their own villages and country in flames; each of which modes has been from time to time practised, as well under our own administration as under that of the former Rajahs; of which abundant proofs could be collected, did not the notoriety of the facts, at least here, supersede all occasion of further evidence."

Landowners wholly in the power of the Raja and his Amils.

As a general rule the landowners have been obliged to submit wholly to the authority of the Raja and of his Amils, and were in a state of great poverty. The following extract from Pundit Ramchund's Bulliah Report, which gives a graphic picture of the confused and uncertain condition of landed property, and of the distressed state of the landowners when Mr. Duncan took charge of the district, was probably equally applicable to most parts of the province.

Pundit Ramchund's Bulliah Report on the state of zemindars and of their disputes.

"The following is a description of the zemindars of Bulliah in several talooks where before the possession of Rajah Bhowayal Singh's ancestors there were ancient zemindars. The descendants of these ancient zemindars are still in being, and, after Rajah Bhowayal Singh's forefathers getting possession of the pergunnahs, they divided these talooks among their own brethren. Now these more ancient owners contend with the more modern for their zemindars, which confusion is augmented by those of the family of Rajah Bhowayal Singh having sold several of their said talooks to the zemindars of Khereed and Shahabad which occasions a further dispute between these two latter classes of occupants. In several villages where Rajah Bhowayal Singh's ancestors had appointed some persons to the management of the villages in question their descendants

now pretend to be zemindars, and there are also several persons to whom the said Rajah's ancestors having for money considerations made separate allotments of land, and their descendants having established villages on the ground in question, call themselves the zemindars of the places. There are still other talooks which the aforesaid Rajah's ancestors used to keep in their own possession, which they now pretend to be their own private or personal zemindaries; but in fact as the Raja in question has an allowance from Government in lieu of his rights, what other claims of property can he have.

Zemindars poverty-stricken and without credit.

"As to the state of these zemindars, of whatever class, they are all in the last degree of poverty, without having one of them the least substance. All of them are indebted to the merchants or bankers, to such a degree that no respectable man of those orders will now venture to become bound for them, and therefore they are obliged to have recourse to people to be their securities, who being in nowise responsible do, at the end of the year, fall of course into confinement along with the principals, so that the one is just as good as the other. In one amil's time they fail and embezzle the collections, but at length this is forgotten, and when a new amil comes they get recommended by the chowdhries and canoongoes, &c., and at the time of taking lease they appear again to be trustworthy, but as for their own embezzlements in the collections they have recourse to the ryots under them. These latter, unable to support their exactions, resort to other villages where they carry on the collections in the modes of paykasht whereby the rental of these villages doth yearly diminish."

Condition of holders of "seer" land being so bad.

As the condition of the landowners—who held their *seer* land on favourable terms and were generally preferred for the management of villages—was so depressed, it may easily be imagined that that of the non-proprietary cultivators was still more wretched, and of this there is abundant proof in the Benares records. Many of the cultivators on account of the oppressive exactions of the amils had abandoned their fields and houses. Among the ryots distrust and fear everywhere prevailed, and the restoration of confidence in the justice and truth of the administration was one of the objects which Mr. Duncan most strove for and found hardest to attain. To this state of general depression and timidity the bearing of the brahmin cultivators formed a remarkable contrast. The Rajah, the naibs, and most of the amils were Hindoos, and believed that they would become victims to the divine vengeance if they in any way caused the bloodshedding of a Brahmin. The Brahmins of the province acting on the superstitious fears of the rent-collectors and of the Government were ever ready on the smallest provocation to kill or wound themselves, or to take the lives of their female relatives. Paragraph 84 of the report of 26th April, 1789, explains more fully the means by which the Brahmins had established their supremacy. It is as follows:—

That of cultivators was still more wretched.

Condition of Brahmin cultivators in marked contrast consequent on superstitious regard of Hindoos towards them.

Custom of Brahmins of Kuntit and Bhudohee to kill their old women when pressed for payment of revenue.

"The custom peculiar to the Brahmins in this country, and specially amongst those of the two pergunnahs of Kuntit and of the Rájah's jageers, pergunnah of Bhudohee, of putting their old women to death when urged for their revenue, I have already had occasion to mention to your Lordship in my two addresses under the date of the 1st of May and 17th of December, 1788, but on neither of these occasions was any woman actually slain or even wounded. An occurrence of this kind that has since happened in the Rajah's jageer of Bhudohee, together with the information that I have collected concerning this particular instance, as well as the practice in general seems to justify the transmission of the enclosed copy (No. 21) of all the proceedings I have held on it; at the end of which, as I have recorded my opinion, I beg leave to refer to it, only here adding on the subject

Report of an occurrence of this kind in Bhudohee.

that, as far as appears to me, the custom in question almost entirely rests on the inordinate pride and self-esteem in which this brahminical tribe indulge themselves in this country, joined to a consideration of policy, as by the threat or practice of this horrid atrocity on the most aged females of their family they become, and in fact maintain themselves in a state of independency of all power—civil or military—as far as Hindoos are concerned, as it is a received belief that the spirit of the female Brahmin (who thus is made, or in some instances does herself perhaps become a willing sacrifice to the security, and what by a perversion of terms is called the honour of the family) does for ever haunt and harass the party, to whose act her death is imputed wherefore it is that the Rajah employs none but Mahomedan resident collectors, in Bhudohee, in respect to which pergunnah, as far as regards the present accident, although from delicacy to the Rajah I have never interfered in the interior or any other part of its administration, I nevertheless think it my duty in justice to his management here to declare that, after the most minute enquiry which I made at his instance into the circumstances of this case, in which one female voluntarily, as would seem, took poison (in resentment, because peons were sent to bring one of her family for his revenue to the Rajah's Cutcherry), and another woman was wounded, though, as it happened, not mortally by one of the said Brahmins her relation, with a scymitar. I can see no adequate provocation or injustice on the part of the Rajah's Amil, but a great deal of insolence and sullen pride on the side of the Brahmin, whose conduct occasioned the catastrophe; indeed, so unreasonable was his conduct that some of his own brethren declared against it at the time, and he became very sensible thereof himself, and apprehensive of the consequences by the time the enquiry terminated. However, all the resentment I testified was a threat to expel him from the country if he hereafter behaved in a similar manner. Were the enquiry into this case not perhaps too long to admit of your Lordship's entire perusal of it, I could sincerely wish that every part of it might pass under the strict review of Government, as it not only exhibited a faithful state of the merits of this particular instance of the effects of a passion which I know not a proper name for, but contains also testimony of the lengths the same practice was carried to before the expulsion of Cheyte Singh, and may, I think, be in some measure valuable as exhibiting so far the very peculiar state of manners among this order of men; who, with their usual spirit of monopoly of science, as well as in other beneficial instances, are here considered as possessing the exclusive right to sacrifice the weaker and more infirm females for their own personal security; since for a man of lower caste to have recourse to arrogance does not of course I believe ever so much as enter into their minds."

Custom founded in pride and self-esteem of Brahmins.

Hindoo belief that the spirit of the slain woman will always haunt the person whose acts occasioned her death

Rajah therefore employs Mahomedan Collectors only and in Bhudohee.

No provocation given by or injustice on the part of the Rajah's Amil in this case.

But merely insolence and pride of Brahmins.

Mr. Duncan wishes for review by Government of this custom and its consequences.

Custom peculiar to Brahmins only.

The following extract from Rámchund Pundit's Bulliah Report is interesting both for the light it throws on the Brahmin practices, and for the information it gives as to the general condition of the ryots and the distinction between the khoodkasht or resident cultivators and the paccekasht who lived in one village and cultivated in another.

Report of Rámchund Pundit of Bulliah on practices of Brahmins and condition of ryots "khoodkasht" and "paccekasht."

"The state of the ryots is as follows:—More than half of the whole are Brahmins, and there are also sundry of the caste of Ateets, Senassees, Budferoshes: they have all one way, and of them there are full twenty thousand who bear marks on their bellies and thighs of self-inflicted wounds with knives, and at present each of them carries about his person a sharp razor, and for the most trifling disputes they stab and wound themselves, and on the slightest provocation take old women and throwing them into huts set fire thereto, and assembling in multitudes

Half the ryots Brahmins.

Fully 20,000 of them bearing marks of self-inflicted wounds.

Burning old women.

they surround and intimidate the amil. As I was from the first determined to use the greatest steadiness and moderation, and did repeatedly tell them that I had left behind me all my passions, and that they might do as they liked, by these means, and the mercy of God, there hath hitherto no material accident happened—that is, no person hath hitherto wounded himself or committed any other enormity on the plea of the act of any of my officers, but amongst each other they fight like mad men; insomuch that for a very inconsiderable dispute indeed, 203 of them will get wounded and some mortally, upon which the most part throw their killed or wounded on a bedstead with which they then proceed to the head cutcherry of the pergunnah and exclaim aloud for justice; if they be then asked why they did not come to seek justice before they fought among each other, they only answer by saying that they will put an end to their lives at the door of the cutcherry. How long a dissertation would it require to explain all these fully, but as I cannot take up your time to such a degree, I have on a separate paper noticed two or three instances which will be pretty explanatory, and notwithstanding your publication on that head, they entertain not the smallest apprehension of what Government can in this respect do to them, particularly the inhabitants of some villages, such as Nugwan where about 2,000 brahmins live together, and are all in good and easy circumstances, so as to enable them to carry on their tillage and agriculture to advantage. The extent of land in the said village is about 1,500 bighas; and as this does not suffice for their exertions, they extend their cultivating operations throughout twenty other villages as paeckasht ryots, but in every one of them they show their wanton licentiousness in regard to the payment of the revenue, keeping themselves always ready and prepared with a razor. I have heard that two or three of them sacrificed themselves before Meer Sher Ali's (a former Amil) pallankeen, on which occasion there arose such a tumult that the Meer was glad to seek his safety in a precipitate retreat. Shortly after which, however, Rajah Cheyte Singh despatched among them a Mahomedan Jemadar who punished them severely. Thus they have occasionally continued to act also in other Amils' times. In 1195 Fuslee they engaged to pay Rs. 2,500, of which they only paid Rs. 1,800, and embezzled the rest. This year or 1196 the canoongoes stated the revenue payable from this pergunnah at Rs. 3,000, but as at the time of their cabooleaty they carried on a violent and very indecent altercation with the canoongoes, I did, in consideration of their influence and licentiousness, agree to take from them only Rs. 2,000, of which, however, Rs. 400 remain still in balance, and they are of course always ready to have recourse to their old arts to prevent coercion, however justifiable.

Brahmins fight among themselves like mad men.

Bring the slain to door of cutcherry asking for justice.

Entertain no apprehension of action of Government.

2,000 Brahmins in Nugwan—all in good circumstances.

Always ready with a razor in case of demand for rent.

Cheyte Singh sent a Mahomedan Jemadar who punished them severely.

In 1195 Fuslee only paid Rs. 1,800 out of Rs. 2,500.

In 1196 Fuslee Rs. 2,000 asked but only Rs. 1,600 paid.

In this manner also the Brahmins of the villages of Agrowlee Hurhurpoor, running away from the custody of the peons they were under, have set down in their villages, and although two dustucks were at different times sent to bring them in they refused obedience. I then sent a badge-peon of the resident thinking that the sight of the badge would have an effect on them, but to this badge-peon they also plainly declared, "we will not go, but give up our lives." In this way there are wicked people in two or three other villages. Being helpless, and although it appeared plainly enough to me that they were deserving of chastisement, yet I was deterred for fear lest on my using any force one or two of them might stab themselves, upon which their fellows would throw them on a cart and carry them to you. Wherefore I remained silent, and only gave out that when I should go up to Benares, I would set forth their wickedness, and get effectual steps taken to bring them to reason, adding that who-

Brahmins of Agrowlee Hurhurpoor.

Refused to accompany badge-peon and threatened suicide.

Pundit helpless, but threatens future punishment by Resident.

ever acted thus this year, I would myself submit to the loss, but that in future I would not allow such people to interfere in the cultivation; and now that this last mentioned season is arrived, if the manager on my part pretend to carry the threat into execution, they pay no attention to it, but carry on their tillage in the night and say, if you oppose us we will give up our lives. Thus in this pergunnah people wounding themselves and giving up their lives is a wicked device of their own policy. Wherefore if you think proper, I would recommend that a proclamation be made that whoever shall in their squabbles with each other fight and wound themselves, or whoever shall set themselves in opposition to the Amil, such persons shall be seized and sent in to you, and on their coming or being thus sent in, if you will detain them for a few days in confinement they and the others will give up this mad way of acting, and it is certainly highly criminal in them thus, notwithstanding there being a Hákim or Amil on the spot, to proceed to fight, on the most trifling pretences, with each other, and tends, as I need not add, to the over-setting of all authority in the Amil, which does of course materially impede and obstruct the collections; besides which the damage done to their own persons and the loss of lives are certainly to be regretted. By one guilty man being thus allowed to escape others are encouraged.

Brahmins obstinate.

Pundit recommends Resident to confine Brahmins sent in to him for punishment.

The ejectment of the industrious and skilful cultivators of lower caste by the Brahmins, who when they took the fields could not pay more than half the rent of them, was one of the many causes which after the expulsion of the Rája diminished the rental of the province. Of the non-proprietary cultivators the most valuable class were the Koiries or Kachies, patient, honest, skilful, and industrious. They are now the great wealth-producers of the Benares province, and even then paid in a single pargana (that of Zumaniah) rent to the amount of Rs. 40,000 per annum. The protection which has, under the British Government, always been afforded to men of this class is one of the chief benefits conferred upon the country by our rule.

Rental of province diminished by Brahmins ejecting lower caste cultivators and refusing to pay adequate rents for their lands.

Koiries the best cultivators.

In Zumaneah alone they paid Rs. 40,000 revenue.

The following order of Mr. Duncan illustrates the subjection in which the cultivators were kept by the land-owning classes :—

"Whereas it hath been understood that the village zemindars in your amildary take the ploughs and oxen of the ryots, without paying for them, to plough their own cultivation, and as this occasions oppression of the ryots, it is therefore ordered that you do strictly enjoin all the zemindars and farmers under you, and proclaim that none is to take the ryots' ploughs or oxen without remuneration, nor to carry on their own cultivation with the oxen or ploughs of the ryots thus taken, but that in case of necessity the parties standing in need of such assistance shall pay for it and obtain the same with the free consent of the owners at the rate of one rupee per diem for eight ploughs, or such other rate as shall have always been customary in your pergunnah."

Mr. Duncan prohibited zemindars seizing ryots' oxen and ploughs without payment.

On a still lower level than the cultivating classes in the village communities there exists a numerous body chiefly descended from the aborigines of the country who are now employed as agricultural labourers but who seem to have been in a condition of slavery when Mr. Duncan took charge of the Benares Province.

Descendants of aborigines in a state of slavery.

The following extract from his proceedings shows that in 1788 slavery was recognized and enforced by Mr. Duncan :—

"Read a petition from Jeeta Roy, a Havildar of sepoys and zemindar of the village of Jahanabad in the pargana of Chynpoor in Behar, setting forth that his purchased male slave has run away with his family

Slavery recognized and enforced by Mr. Duncan.

from his family dwelling-house, and taken refuge in the village of Sherepoor, in the pargana of Zumaniah —a village belonging to Persun Roy. He therefore prays that an order may be sent to Cassim Beg, the amil of that pargana, to cause his slave to be returned and given up to him, as otherwise all his revenue and farming concerns will, he says, be ruined, since he depended entirely on the said slave for conducting of them, and he says he pays Rs. 6,000 a year to Government. An order is sent to Cassim Beg to cause the slave to be delivered up, if the person the petitioner points out shall turn out to be really a slave and to appertain to the petitioner as his property."

In 1790 Criminal Court restores a slave-girl to her mistress

In 1793 claim made to a slave on the ground of his being grandson of a slave.

In February, 1790, a slave-girl was made over to the custody of her mistress by the Criminal Court. The following letter from the commercial residents of Ghazipore in 1793 relates to a case in which the surrender of a gentleman's private servant was claimed on the ground that his grandfather had been a slave in the family of the claimant:—

"I beg leave to trouble you on a subject which will probably appear strange to you and such as may but seldom come before you. I have in my service a bearer who has served me since my first coming to this place, now upwards of five years and a half, and as a poor man, though really a very good one, I am so far interested in his behalf as to lay before you a case of very great grievance, and one that, if I am not mistaken, cannot be countenanced under our Government. You must then know, sir, that a Brahmin in this town, named Jey Keeshan Missir, grown old in years, and, if report says true, in iniquity, has just now trumped up a story and says he has in his possession a paper or writing, commonly called a slave paper, purporting that the grandfather of this bearer was a slave to his father, and that he expects that not only the bearer, grandson to the person he has held up to have been a slave to his father, shall be a slave to him, but that his posterity to the end of time shall be slaves to the race of Brahmins in his family that may spring from his loins. I may therefore presume that this is a subject on which you may be but seldom troubled, and although strange, it is very true. I did hope to get the business settled without writing to you, for which purpose I applied to the judge in this town and stated the case of one man wanting to make a slave of another; because he had in his possession a paper written more than one hundred years ago which sets forth that the bearer's grandfather was a slave. I soon, however, found that the judge, either from real religious motives towards a Brahmin, or what is held up before the world as a religious motive towards that sect of men, could not decide the cause, however just, in favour of the bearer, and therefore the Brahmin, under the cloak of religion, works upon the fears of a poor man, and not only holds up to him that his posterity to the end of time must be his slaves, but that he expects the labour of all the family for nothing—nay, without feeding them Now, I cannot conceive that such conduct is to be countenanced, and although a native judge, from religious motives, may be at a loss to decide against a Brahmin, yet I intreat, when you receive this report, which is founded on truth, that you will do me the favour, if not contrary to the law, to direct the judge to proclaim in the town that having a slave on the terms I have set forth is not allowable, any more than it may be for a Brahmin to threaten an unenlightened man and thereby make his life miserable, because he knows that his religion will screen him from the other either beating or abusing him which he would rightly deserve."

Some Europeans and many natives purchase and export slaves.

Prohibited by Government in 1789.

In addition to the institution of domestic slavery, "many natives and some Europeans had long been in the habit of purchasing or collecting natives of both sexes, children as well as adults, for the purpose of exporting them as slaves to different parts of India or elsewhere," until the practice was prohibited by a Government order of the 22nd July, 1789, from which the above is an extract.

CHAPTER VI.

REVENUE ADMINISTRATION OF 1787-89.

THE RAJAH'S FAILURE AND MR. DUNCAN'S REFORMS.

ON the investment of Rajah Muheep Narain with the administrative powers which had before been wholly or mainly entrusted to the deputies, his first task was the formation of a settlement for the coming revenue year, beginning in October, 1787-88 A.D. He undertook this work under the most unfavourable circumstances. The country had been for the past five years gradually deteriorating, and matters had now reached a crisis. The Rajah's criminal neglect in complying with the requisition of the acting Resident and of the naib for the deputation of commissioners for the encouragement of cultivation had caused a serious diminution in the extent of cultivation. Notwithstanding the bad prospects, the Rajah, anxious to win the good opinion of Government, and more desirous of this than of ultimate success in collecting the revenue, set to work to form a settlement at the very highest possible amount for every part of the province. Amils were encouraged to bid one against the other for revenue farms, and in the acceptance of tenders regard was had solely to the amount of the bid, and not at all to the character of the person who made it, or to the possibility of his being able to realize from the country as much as he had contracted to pay. The result was that the new settlement was the highest that had ever been made. During the five previous years the average annual gross collections from all sources had been Rs. 40,71,933-2-9; the new settlement was for Rs. 42,85,360-11-3, or more than two lakhs higher than the average. Mr. Duncan was new to the province and had no means of knowing the true state of things and the impossibility of realizing the proposed assessment. The first thing which happened to shake his confidence in the stability of the settlement seems to have been the attempted suicide of Mehndee Ali Khan, Amil of Shahabad, in October, 1787. He had taken a lease of the pergunnah from the Rajah at Rs. 80,000 per annum, being Rs. 25,000 higher than the previous assessments. When taking the lease he thought to have enhanced the customary assessments of the sub-renters, but as this was not allowed, and no reduction was made on his revenue, he took a large dose of arsenic in despair. The Resident seeing his inability to pay the whole amount for which he had agreed, promised him a reduction, and for the following eight years Mehndee Ali did excellent service in extending the cultivation and improving the condition of his pergunnah.

Rajah Muheep Narain's first task, the formation of a revenue settlement for ensuing year, 1787-88.

Country greatly deteriorated.

Cultivation fallen off through neglect of the Rajah.

Nevertheless, settlement made at highest possible rates.

Amils encouraged to compete for farms without regard to their solvency.

Settlement consequently highest ever made.

More than two lakhs higher than the average.

Mr. Duncan unaware of impossibility of realisation.

His confidence shaken by attempted suicide of Mehndee Ali Khan, amil of Shahabad,

Who had engaged to pay Rs. 25,000 more than ormerly.

Resident promised him a reduction.

In January, 1787, there were disturbances in Zumaniah which necessitated the deputation of the Assistant Resident, Treves. As the Rajah's authority throughout the province was weak and little respected, a proclamation was in the same month issued at his request, to the effect that all persons should obey the orders of the Rajah, who had been invested with the whole power and responsibility of the administration. Mr. Duncan spent the months of February and March in a circuit

In 1787, disturbances in Zumaniah.

Proclamation made of the Rajah's investment with full power and responsibility.

of the Ghazeepoor district and was much struck by the state of the eastern pergunnahs.

Mr. Duncan made a tour in Ghazeepoor in February and March, 1788.

Farm of Jounpoor to Kulb Ali Beg by Mr. Grant.

Raja renewed farm to him at higher rates than paid by any others.

Mention has been made in the preceding chapter of the extensive farm of the district of Jounpoor conferred by Mr. Grant on Kulb Ali Beg. On the formation of the Rajah's settlement Kulb Ali agreed to harder terms and to the payment of a higher revenue for his farms than any other person, and the Rajah forgiving his old grudges against the favourite of Mr. Grant, and the associate of Shere Jung, renewed to him the farm of Jounpoor proper and of the pergunnahs of Moongra, Gunwara, and Bhowlee. Associated with Kulb Ali in the farm was a wealthy banker, Sheolal Doobe, who afterwards was made Rajah of Jounpoor. It was the business of the banker to receive the collections in the interior and to pay the instalments in Benares, receiving as his remuneration the half bhurray at 12 annas per Rs. 100.

Sheolal Doobe, a banker, partner of Kulb Ali Beg.

The instalments due from Kulb Ali were realized with ever increasing difficulty and delay, till at last in April, 1788, the payments ceased altogether, and Mr. Duncan was applied to both by the Rajah for help in realizing the very heavy balances due to him and by Kulb Ali, and the banker for help in realizing the balances due from the sub-renters.

Kulb Ali Beg ceased payment in April, 1788.

Mr. Duncan applied to by Rajah and by Kulb Ali Beg.

Mr. Duncan, on the 28th April, 1788, in compliance with these requisitions deputed Mr. Neave, the Senior Assistant Resident, to Jounpoor, with instructions to realize all outstanding balances due by the sub-renters and cultivators, and to ascertain whether the whole of what had been realized by Kutb Ali had been paid up by him. Mr. Neave was also directed to keep a close surveillance on the former, who was said to be meditating flight. Mr. Duncan concluded his instructions as follows :—

Mr. Duncan deputes Mr. Neave to Jounpoor.

To realize balances, and watch Kulb Ali Beg.

"The above instructions are meant rather for your general guidance than as positive rules for your conduct, to which you will apply them either more or less strictly, or sooner or later, as your own local views of circumstances may enable you to judge to be most for the public good, and to be most likely to secure the rights of the Rajah and of Government, with the least possible coercion or inconvenience either to Kulb Ali Khan, or Ramdiyal (his Deputy) or to the zemindars, renters or ryots of the pergunnahs against whom you will be as averse as I myself am to detaching sepoys, and still more in allowing the latter when employed, to make use of their arms which I trust there will be no occasion for, but that by your showing a readiness to listen to their complaints they will be induced to pay a willing obedience to your commands."

General instructions to Mr. Neave.

Mr. Neave remained in Jounpoor till the middle of August during which time he had the full charge of the administration of the district. He collected a couple of lakhs of revenue, but found that even if the whole sum due from village sub-renters were realized, it would amount to far less than the revenue for which the pergunnahs were leased to the Amil. In one pergunnah, Moongra, the loss to the head renter, even if he had collected in full from the villages, would have been Rs. 23,147. Mr. Neave "attributes Kulb Ali Beg's motives for taking the farm at such unfavourable terms to the well known fact that the natives of Hindustan will for temporary honour submit to eventual degradation."

Mr. Neave in Jounpoor until August 1788: collects two lakhs.

Total sum realizable much less than farmer's contract.

In Moongra Pergunnah a loss of Rs. 23,147.

In every part of the province the result of the collections was the same as in Jounpoor. The Rajah and his servants did their best to make Mr. Duncan give them all the help he could; but when the

Similar results throughout the province.

accounts of the year were made up, the total collections of the land revenue, the customs, and all other taxes were only Sicca Rs. 38,15,379-13-3, being four lakhs and seventy-thousand rupees less than the amount of the assessment.

Total collections four lakhs below sum assessed.

The demands of Government for the year were Rs 39,01,732-7-9 (including Rs 50,000, balance of revenue of former years). The provincial charges were Rs. 1,19,309-6-6, so that the total deficit for which Mr. Duncan had to provide was Rs. 2,05,662-2-0. Of this amount he obtained Rs. 45,662-2-0 from sources which it is unnecessary to specify, and the residue, half on an assignment upon the revenues of Khera Mungroor, the Rajah's jaghir, and one-half from Sheo Lall Doobe. With regard to the former of these items, Mr. Duncan remarks in his report of 26th April, 1788, are as follows :—

Mr Duncan had to provide for a deficit of Rs. 2,05,662.

Assignment of revenue of Khera Mungroor by Rajah.

"As to the advance made by the Rajah of Rs. 85,000, in an assignment on his jaghir pergunnah of Khera Mungroor, he never made any material objection to my demand on him to that effect, and the transaction had passed before my receipt of your Lordships commands of the 3rd October last, wherein it is signified that the Board "do not wish me to urge him (the Rajah) to the payment of any sums for the discharge of which he must deduct from the amount of the fund for his own personal expenses.' Had this intimation reached me before I had realized the Rs. 85,000 in question, it might most probably have altogether prevented it; but I own I should have desisted from the demand with some degree of reluctance, because I think it in every respect a fair one on the Rajah for two reasons,—1st, his entire responsibility for the amount of the settlement of 1195, the failure to such a degree in which may in some shape be ascribed to his want of prudence and energy in the management; and 2ndly, because the pergunnah of Khera Mungroor was granted to him in Jaghir in 1784, or 1192 Fusleo, and then only alienated from the public revenue funds of the country in his favour (long after the conclusion of the mokurery or permanent settlement with him in the year 1194) upon the express condition as noticed in Mr. Hastings' letter on that subject, written from Benares in October, 1784, that "those districts should be equally answerable for the payment of his stipulated revenue as before, and as the real jumma thereof amounts to Rs. 81,000 per annum, nothing, or at most one thousand rupees were in this instance taken from the Rajah beyond what Government had a right to; and to show the local public sense as to how the matter stands, it may be again here noticed that the Rajah, having a deficiency in the public revenue to the amount of Rs. 50,000 to make up in 1193 Fusleo, appears to have paid thereof, as from or on account of Khera Mungroor, which he had only effected the real alienation of about a month or two before Mr. Fowke's resignation, or about the end of Kartik 1193, although Mr. Hastings' conditional sunnud was granted a twelvemonth before that period.'

Advance by Rajah of Rs 85,000 on Khera Mungroor made before orders of Government were received against such a course being urged on the Rajah.

Mr. Duncan considers the assignment a fair one.

Failure in payment due to want of energy and prudence in Rajah.

Jaghir given on condition it should be available for payment of revenue in case of need

Rajah had previously made good a deficiency from same source.

At the commencement of the rainy season of 1788, Mr. Duncan became convinced that, both for the restoration of the country to prosperity and for the security of the Government Revenue, which in the past year had been in much danger, a thorough and complete reform of the Revenue system was absolutely necessary. On the 18th of June, he had an interview with Rajah Mahip Narain, and laid before him a "confidential memorandum" containing his plan of reform. A week later, on the 27th of June, "the Resident in consideration of the present season of the year, and of the circumstances of the country, and of its decayed and decaying

Mr Duncan in 1788 convinced that reform in revenue system was absolutely necessary.

Laid before the Rajah a plan of reform.

state, and the necessity of reform," prepared a Persian purwanah to the Rajah, of which the following is a translation :—" With a view to promote the cultivation which is to take place in this month of Asar for the year 1196 Fuslee, and to begin to introduce such a settlement of this country as may remain permanent, it is proper (and this is now the time) to put a stop to all irregularities which have crept into the system of the public collections, more especially since the time of Rajah Cheyte Singh; and as it is necessary to begin with reformation from the period of the cultivation of this month of Asar, I have inserted in the undermentioned articles several of the irregularities thus referred to with the means of correcting them." The following is an epitomé of the twelve articles:

Persian purwanah to the Rajah regarding proposed reform for 1196 Fuslee.

1. That for the future one uniform form of lease shall be established for the whole province in place of the variety of forms and specifications hitherto in force in the different pergunnahs.

1st,—Uniform leases.

2. That in leases for land held on grain-rent, the measuring rod to be used should be specified.

2nd,—Length of measuring rod used in Bhowli lands to be specified.

3. To prevent disputes as to the rates at which the value of the Rajah's share is to be estimated in lands of which the rent is payable in kind, that once in each of the two harvests of the year (those of the wet and dry season), the Rajah, with the approval of the Resident, shall determine and publish by proclamation the rates of each kind of grain for each pergunnah.

3rd,—Rajah to publish twice a year the rate at which grain-rents are to be valued.

4. That for the future grain-rents should be determined by the method of appraisement, and that actual division of the crops should never be made.

4th,—Value of grain-rents to be appraised; crops not to be divided.

5. That leases of land held on grain-rents should specify the proportion of the produce to be the share of the Rajah and of the ryots.

5th,—Leases to specify Rajah's share of grain.

6. In the pottahs for land paying according to a ready-money settlement, let the name and length of the measuring-rod be also mentioned, and as since the time of the expulsion of Rajah Cheyte Singh sundry new articles of cesses and charges have been introduced into every pergunnah according to the discretion or rather the avidity of the amils which have become a burden on the cultivators, and have reduced many parts of the country to its present state, it is therefore necessary to insert a clause in the present pottahs, that all cesses and new charges introduced since the Fuslee year 1187 shall from 1196 be prohibited and totally given up; and that whatever mal or original rents and cesses or subsidiary charges existed in that year—*viz.*, 1187 Fuslee—shall be joined to and incorporated with the mal, and, forming only one united sum, shall become the united and single rate which the cultivators paying cash rents are to pay per beegah, in a manner that over and above this united and single sum, no other or further cesses or charges shall be payable or demandable from the ryots.

6th,—Inukdee pottahs, length of measuring-rod to be specified

Cesses introduced after 1187 to be discontinued

Cesses customary in 1187 together with "mal" to form the rent now payable and no more

7. In accordance with the above principles, Mr. Duncan prepared a form of lease for general adoption and distribution to the actual cultivators both in villages managed directly by the amils and in those managed by landowners or lessees. "The rates to be according to the Fuslee year 1187 (the last year of Rajah Cheyte Singh's administration) to which is to be added the cesses (abwab) of that year, which being incorporated with the rent proper (mal) of that year, is to constitute one general rate per beegah." The rates of waste land to be settled as ryots may be willing to agree to the same, but all without cesses.

7th,—Form of lease prepared and distributed by Mr. Duncan.

Rules for waste-lands.

8. That ameens or commissioners, "men fearing God and without avidity," should be at once deputed by the Rajah into every part of the country to distribute, in conjunction with the amils and canoongoos, leases to the cultivators.

8th,—Ameens, "men fearing God and without avidity," to be deputed by Rajah.

9th.—Canoongoes' cesses abolished, and land substituted.

9. That the cess imposed for the support of the canoongoes should be abolished, and land should be allowed for their support.

10th.—Ameens to induce ryots to take up more land than before.

10. That, as all additional cultivation would be a clear source of gain to the Rajah, the ameens should endeavour to induce all cultivators to take some waste land in addition to their old cultivation on any terms they liked.

11th.—Leases to be signed by amils and canoongoes, and registered.

11. That all leases issued should be signed by the Amil and pergunnah canoongoes and duly registered.

12th.—Ameens to report on dues to cazees and chaudhrees.

12. That the ameens deputed should ascertain and report the dues of the pergunnah cazees and chaudhrees.

Abolition of new cesses, most important.

The most important clauses in this proposal were those which provided for the abolition of the new cesses and for return to the rates of 1187 Fuslee. Mr. Duncan thus describes his interview with the Rajah after he had read the purwanah, which was in substance the same as the memorandum shown to the Rajah a week before.

Conversation between Mr. Duncan and the Rajah.

"A conversation this evening ensued between the Rajah and the Resident on the subject in which the Rajah's aversion to carry the proposed plan into execution, and above all to issue the proposed form of pottah, appeared most evident, and expressed even in terms of a degree of violence and asperity unusual with the Rajah. His main objection is that by issuing the pottah now (although he allows this to be the only season, for a twelvemonth hence during which it can be issued with effect) his collections for the current year would fail, or run the greatest danger from the ryots insisting as they would, he says, be most ready to do, on paying even for this year only according to the terms of the new or proposed pottah; and although in reply the Resident observed to him that the purwanah contained an express order to the Ameen to settle the ryots' accounts for the present year, and to enforce payment of the balances according to the pottahs and rates now actually current, yet this had no effect on the Rajah, and he enforced his arguments with showing a statement he had prepared of his heavy mofussil balances, saying all he wanted was to be able to perform his engagements with Government, but that he could not trust to being able to do so were the pottahs proposed by the Resident now issued. In the course of the argument, which at length became a little warm on both sides, the Rajah desired that at least measures might be deferred for some days to allow time to ascertain (as he now acknowledged himself not well or perfectly informed) about what taxes had been really collected in the last complete year of Cheyte Singh's management or 1187, as well as to make some progress in the collections of the balances, but when it was thereupon observed, that as the ryot's kistbundies or period of payments for this year had ended in Jeyte, and he was asked by the Resident whether he could be sure that twenty days hence would, according to the seasons and customs of this country, be a proper time for the distribution of the pottahs, he said, he must confess that now was the the proper season. He also desired that the measure might be deferred till Asarh, 1196, but when asked what was to occasion any difference between that month in this and the next year, so as to admit of that being safely carried into execution which would now, according to his opinion, occasion so much harm, he could not give any rational answer. Indeed, on the contrary, it is but too evident that the longer the present system exists, the more difficult will be the remedy, as the country will everywhere go more rapidly

Rajah's aversion to the reform most evident.

His reasons for it.

Rajah showed a statement of his balances.

Argument now became warm.

Rajah asks for delay to obtain information.

Rajah acknowledges that this was the proper time to issue pottah.

Rajah asks for postponement of reform to Asarh, 1196.

Could give no reasonable grounds for it.

to decline. However, considering the danger of making any hasty regulations in a matter of such important concern as the present, the Rajah is desired to take his leave for this night, promising to send a fair copy of the state of his collections and balances above referred to to-morrow, and being told that the Resident will take all to-morrow to consider what is ultimately to be resolved.

Resident will take another day to consider.

The Rajah's written reply to Mr. Duncan's order and the Resident's rejoinder were as follows :—" Your letter of the 27th of June, 1788, with a draft of the regulations have arrived. You did me honor, my kind Sir. Whatever appeared to me has been written, and I represented to you in your presence all the particulars. As to my objections which you mention I did not before make representations by way of objection, nor have I now objections on this head. To you who committed the business to me I represented, to the best of my knowledge, whatever was according to the ancient custom practised in the time of the late Maharajah who is now in paradise."

Rajah's written reply.

Mr. Duncan's reply was as follows :—" I have received your letter. As to what you write that you did not before represent by way of objections, now that you have agreed to carry the hookumnamah or regulations into execution, and to pay also the present year's revenue, it is unnecessary to enter into a discussion of what is past, neither shall it ever remain in my remembrance provided the present plan be well accomplished. But as several days of the season of cultivation have been already lost by what has passed, it is now necessary, that entering upon this business with the greatest assiduity, you do proceed to appoint all the ameens, taking care not to appoint any ameen to a pergunnah of which the present year's farmer is such ameen's connection ; and you are also to appoint proper allowances for them that they may not be open to corruption. You are also to prepare and deliver to them proper instructions, and send some of them to me daily to take their leases ; and let it be a clause in their instructions to ascertain from the canoongoes of each pergunnah and from the cazees and chowdhries, and the most creditable inhabitants of each pergunnah, and from the papers of the year 1187 of Rajah Cheyte Singh's management, which you can certainly get at, the jumma or rental of the nukdee lands and the modes in which the betay lands paid, which are to be established according to the hookumnamah, and I will transmit to the canoongoes whatever information is collected on this subject in the Resident's office. Wherever in 1187 Fuslee, in the time of Rajah Cheyte Singh, the measuring-rod was less or more than the rod now authorized of 3 Derah Ilahee, or wherever the beegah, contained then more or less than 20 cottahs, the rates and modes of the revenue on the nukdee and betay lands respectively, are to be fixed from 1196 accordingly, or in proportion to such variations from the standard now fixed as compared with the rent payable in 1187, and the canoongoes will be instructed by me accordingly ; and the ameens are to explain in a proper manner to the ryots what is now intended, and the good intentions of Government towards them. Finally, you are to consider that the main object of these regulations, which being now signed are sent to you for execution, consist in the two following points :—

Mr Duncan's reply.

Enjoins the greatest assiduity on the Rajah's part in appointing Ameens, in paying them properly, and giving proper instructions.

Rents nukdee or betay to be fixed according to Rajah Cheyte Singh's rates in 1187.

Main points of present regulations

1st,—That whatever the ryots have to pay shall, as far as regards the lands held on cash-rents, be ascertained by their pottahs without abwab, and in one sum or rate, and as far as regards the betay (or grain-rents) lands, that the measuring-rod, the relative proportions of Rajah and tenants' share and the custom of appraisement be in like manner ascertained, and

1st,—Pottah to specify clearly amount payable by ryots in one sum without abwab.

2nd,—That in the cultivation of this year no land remain fallow. If you heartily and cordially apply your attention to the attainment of these two points, both will assuredly be gained, and by thus completing the Mofussil settlement, there will be a sufficient provision for the revenue of Government; at the same time that your good name will rise above all the Rajahs of Hindustan, and you will secure the approbation of the Right Honorable the Governor-General, the gentlemen of the Council, and myself, by accomplishing this work in a proper manner, with exactitude and fidelity, in view of the advantage of the country.

2nd,—No land to remain fallow.

If these points be gained Rajah will be celebrated throughout India and obtain approval of Government.

After the receipt of the last peremptory order from the Resident, orders for the distribution of leases were issued by the Rajah to the amils, and ameens deputed to encourge cultivation and to distribute leases.

Rajah orders distribution of leases.

The Rajah's collections for the past year were still in progress in October, 1788. Mr. Duncan ordered their discontinuance as they interfered with the new cultivation.

Mr. Duncan ordered collection of arrears to be discontinued.

Notwithstanding this hindrance, and although confidence is commonly a plant of slow growth in the bosom of a native of Hindustan, "the greatest alacrity was generally shown by all classes of the ryots to promote the cultivation, excited as they were by the hopes of better usage than formerly, through the security held out to them by the new pottahs, accordingly the cultivation was in many parts extensive and fully as great as could reasonably be expected."

Ryots showed confidence in new order of things.

Having laid down the principles upon which leases were to be given by the Amils and sub-renters to the ryots, Mr. Duncan next proceeded to reform the system upon which the settlements of entire pergunnahs were made with the Amils or farmers of the revenue.

Mr. Duncan reforms system of settlement of pergunnahs with farmers.

Hitherto the pergunnah settlements had been regulated by competition and made before the village settlements of the year.

Mr. Duncan determined that for the future this procedure should be reversed. That the revenue for all the villages of the pergunnah should first be ascertained, and that the total amount of these assessments should form the pergunnah revenue after the deduction of 10 per cent. as the amil's profit and to defray the charges of collection, and of 12 annas per 100 (the half bhurray) the due of the banker who had custody of the Amil's treasury, and remitted the collections from the country to Benares.

Revenue to be first ascertained and expenses of collection deducted.

The Resident knowing that there was no hope that this portion of his scheme would be carried out successfully by the Rajah, on the 7th of October, 1788, sent for and informed him: "That as the system of the new leases took place at the Resident's instance, it was a necessary measure to fix the revenue of each pergunnah on the footing of these leases according to their actual ascertained ability, so as to afford the means of levying the revenue payable to Government on as equal a footing and easy terms as possible to all the inhabitants of the zemindaree; and further, that it was incumbent on the Resident to see this plan carried out into full effect, so as to convince the Rajah that it will admit of his future payment of his present revenue to Government, and that it was incumbent upon the Resident to see the present year's settlement made under his own inspection, as far as regards the choice of the new renters, provided that any of such renters be not disagreeable to the Rajah, and that finally, when the settlement would be concluded, the Resident would make over the management to the Rajah as before."

Resident hopeless of his scheme of settlement being carried out by the Rajah, intimates to him his intention to carry it out himself.

This transfer of the administration from the Rajah to the Resident, which Mr. Duncan intended as a temporary measure, the course of events afterwards rendered permanent and final.

Temporary transfer thus effected became permanent.

Three days later arrived a letter from Government, dated the 3rd of October, approving of the Resident's proceedings of the June before, and investing Mr. Duncan with "discretional authority to make the settlement, and to employ the Rajah thereon no further than he might judge advisable or salutary."

Government approves of Resident's acts in previous June.

As it was plain that to measure all the lands under cultivation and to ascertain the kind of crop in every field in the country would be a work of time, Mr. Duncan on the 7th October, the day of his conversation with the Rajah, issued orders that for the present the village renters and the amils were to continue their instalments of revenue on the basis of the assessments of the last year.

Amils and village renters to continue payment as heretofore, pending completion of settlement operations.

Mr. Duncan had hardly completed these arrangements when a calamity befell, the shadow of which had been cast in the country some time before. In a letter to Government of the 12th of September, he noticed the scantiness of the rainfall, and alluded to the possibility of a partial failure of the crops of the rainy season. His fears were far more than realized. The September and October rains wholly failed, and without these there can be neither a good rainy season crop nor a tolerable dry season crop.

Failure of crops occurs through scanty rainfall.

Mr. Duncan, who at the time of his conversation with the Rajah on the 7th of October, had little or no doubt of being able to find funds sufficient for the liquidation of the Government revenue on the basis of his new system, soon saw that for the present year his plan could not succeed. "But," as he wrote to Lord Cornwallis on the 26th of April, 1789, "however great the diminution in the natural resources of the country might prove, and however unfavourable the season might thence become for attempting a reform, neither that reform nor the relief necessary to be afforded to the country did thence become less requisite, but evidently the more so. I therefore determined to persevere in the consolatory reflection that whatever possible discredit might, with the unthinking portion of the public attach itself to my making a low settlement, yet your Lordship would do me justice, and the consequences in the country would sufficiently plead my apology, and as the Rajah declared his most ready and even cheerful concurrence to my above-mentioned propositions, I determined to proceed, having at the same time signified to him that when the settlement was concluded, and some of the causes of his last year's failure thereby obviated, I would with pleasure return to him the management."

Failure of Mr. Duncan's plans in consequence.

Determines nevertheless to proceed with them, confident of their ultimate success.

By the month of December the condition of the country had become very serious. Owing to the impoverished state of the province, there were no large stores of grain in hand.

In December scarcity becomes greater, aggravated by impoverished state of the country.

The want of good roads and the unsettled state of the adjoining territory of Oudh interfered with trade. Though the rahdaree taxes (petty exactions of the village zemindars) had in that year been abolished, there was still a duty of 5 per cent. on grain brought to the great emporium. The consequence of this state of things was that whenever rain failed a famine panic seized the public mind. All persons who had stores of grain held it back for the supply of their own future wants, or in the hope of realizing higher prices.

By absence of roads.

By transit duties.

In this way the scarcity was aggravated and the fear of a famine went far towards causing one.

Barley, which in April, 1788, had been selling in Benares, at the rate of 86 seers per rupee, in December was selling at more than three times that price, *viz.*, 28 seers per rupee. Even at this famine price grain was as cheap as it is at the present day in plentiful years,

Barley sold in April, 1788, at 86 seers, rose in December to 28 seers per rupee.

so great has been the change in the value of money within the century. To mitigate the severity of the dearth, measures were adopted by the Resident, some of them without doubt, judicious, others which perhaps worked well, but were certainly at variance with the principles of political economy.

Resident adopts measures to mitigate severity of the famine.

The import duty on grain was suspended; Mr. Duncan wrote to the Resident at Lucknow, informing him of the state of things, and asking him to endeavour to induce free exportation, assuring him that no attempt would be made to regulate prices or to interfere with the free course of trade. He also advanced money and sent persons to purchase grain from the neighbouring countries, and issued the following proclamation in Benares:—

Import duty suspended, and imports encouraged.

"The Right Hon'ble the Governor-General and the Resident at Benares having in view the safety and ease of all classes of the people, it is ordered that in no gunge within the city of Benares shall any one who goes to buy grain, if a person of substance, exceed in his purchase two rupees worth in one place, and if such person be of the lower class of people, then he may buy from one anna to two rupees worth. Nor are the purchasers to use any violence towards the sellers, and retailers are as usual to keep their shops open and to carry on their business in full security; and no one is to shut up his shop that every one may conveniently and easily be furnished with the necessary supplies of grain according to the rates thereof, and that no one may suffer difficulty and distress; and let no spoiled and useless grain be sold without notice given to the Magistrate, and the rate thereof being fixed."

Proclamation by Governor-General and Resident regarding purchase of grain.

In the interval, between October and December, Mr. Duncan found on further consideration of his settlement plan, that to carry it out in its fulness was not practicable, he was, in consequence, obliged to abandon one very important feature of his original scheme, *viz.*, that *of a general measurement of cultivated land, and to substitute for it the plan of relying upon the estimates (douls) of the pergunnah canoongoes.*

Mr. Duncan is unable to carry out his scheme of a general measurement of cultivated lands.

Kanoongoes' estimates substituted.

Explains the reasons which induced him to forego his plan of general measurement, and substitute the pergunnah canoongoes' estimates or "doul."

He thus explained the change in his plan in his letter to Lord Cornwallis of the 26th April, 1789:—

"At first my design was, in order to strike at the root of the evils of an enhanced or unequal assessment, not to fix it till the extent of the cultivation of 1196, and the accuracy of the canoongoes several statements thereof should have been ascertained by the actual measurement that takes place annually as a matter of course throughout a considerable part of this country, and by which the ryots' payments are regulated, by assessing upon this ascertained cultivation the revenue rates of 1187 (according to the plan mentioned in my letter of the 12th of September). This would, I imagined, have formed a complete and satisfactory settlement founded on the real ability of the country; and as two months of the year must necessarily elapse before this operation could take place, the amils and bankers agreed to pay the kists of those two months on account, and the farmers were authorized to collect for that purpose a portion of 2½ annas during the entire period of those two months on the last year's assessment; and that no impediment might intervene to the regular payment of the revenue of Government for those two months, the shroff (money-lender) obtained from me a written assurance that I would cause the amils fairly to liquidate their accounts with them for the first part of the year, which writing has since been returned and cancelled in consequence of the engagements on my part having been performed.

"But upon further consideration I found that the scheme of a general measurement previous to the settlement would be impracticable, from the length of time it would take up; besides that, in fact, as the annual resources of the country depend upon two distinct harvests, the khureef (or rainy season) and the rubby (or dry season), it

would have been necessary to wait till the latter was advanced, or rather to have two measurements to stamp on the operation all the certainty I was desirous of, which supposed certainty might after all prove delusive and fallacious from the duplications and deceit that might be supposed to be used in its progress by the natives. These united considerations induced me to give up the original plan of a previous measurement, and determine on making the settlement by the next surest criterion, *viz.*, the canoongoes' reports, and their estimates of the state of the actual produce, compared with their former accounts, and corroborated by my own judgment, assisted by that of the most experienced native officers, and tried in some instances by the examinations on oath of the canoongoes in those pergunnahs where the apparent defalcation of the funds was the most alarming.

"Previous to, and as the basis of, the settlement of each pergunnah, I had before me its jumma and abwab (or rental and subsidiary taxes) for 1187 Fuslee (the year, according to which the future rates payable by the ryots were to be settled), and the same accounts for 1195 or the latest assessment, including and exhibiting the funds of the two extreme years, to be compared with the doul or estimates of those for the present as delivered in by the canoongoes, from which doul—

"*1st*,—The dehyek or 10 per cent. to the amil for his profits and the charges of mofussil management;

"*2nd*,—The head of moafy and mujray (being certain articles of usual deduction and remission);

"*3rd*,—The amount of canoongoe's nankar or allowances in the lands assessed to them in each pergunnah; and

"*4thly and last*,—The half of the former bhurray (*viz.*, the moiety thereof paid by the amils to the bankers) being severally deducted, the residue or remaining part of the gross funds, as contained in the canoongoes' estimates or doul (each of which doul with the above stated deductions from them) as entered in the proceeding in the voucher No. 6, constitute the sum to be paid by the amil to the Government, which has been the general rule of the settlement, as may be seen and will be verified by the contents of the extract No. 6 last referred to."

Surrender of project unavoidable.

The surrender of the project of a general measurement was unavoidable, as Mr. Duncan had no staff of subordinates at his disposal who could have taken in two years, and much less in two months, a complete and reliable measurement of the cultivated land of the province. But though unavoidable, it was none the less a change for the worse. The want of accurate measurement rendered the proceedings of 1788-89 very inadequate as the foundation of a perpetual settlement of the land revenue of the province binding for all future time.

Proceedings of 1788-89 inadequate as foundation for permanent settlement.

Regulation of amil's instalments to be paid within first ten months of the year, and realized by them from cultivators within first nine months only.

The regulation of instalments by which the amils were to pay their revenue became the next object of the Resident's attention. I have already noticed that in the time of Rajah Bulwant Singh they had been compelled to pay their revenue for the whole year within the first ten months of it (commencing from October), and that they had been allowed to realize from the cultivators and village renters only for the first nine months of the year, so as to leave them free for three months to attend to the cultivation for the following year, and that the relaxation of this wise regulation was the chief cause of the progressive decline of the country. Mr. Duncan re-enforced the rule, *viz.*, that no collections were to be made in the last three months of the year, and that the instalments of the amils were to be paid in the first ten months of the year, one-half in the rainy season, and one-half in the harvest or the dry season.

New forms of engagement for amils prescribed.

A new form of engagement was at the same time (13th December, 1788) prescribed for the amils, of which the chief stipulations were the following:—

1. That they would collect the village rents according to the estimates (douls) of the canoongoes, exclusive of—

I.—Customary articles of deduction (nuzray).

II.—The free lands of Brahmins (Kishnarpan).

III.—Other lands, free by established custom (muafee, mamoolee, and khareze juma).

2. That they would abide by the leases granted in accordance with the orders of June 25th, 1788, and generally enforce those orders.

3. That they would in measurement of land abide by a standard measuring-rod prescribed by the Resident for the whole province, the length of which, equivalent to the length of the side of a square beegah, was 56 yards, so that the standard Benares beegah is equivalent to ·646 of an English acre.

4. That they would abstain from demanding the abolished custom duties and cesses of every sort and description.

5. That they would arrest and send in for trial any person committing theft, robbery, murder, and affray, with a report of the circumstances of the case authenticated by the signature of the pergunnah canoongoes and cazees.

6. That they would be themselves responsible for the value of property stolen within their jurisdiction which they were unable to trace; and recover from the actual robber. From the 13th of December, up to the end of the month all the canoongoes of the province attended the Resident at Benares and furnished their estimates of the available revenue assets of their several pergunnahs. These estimates were examined and considered separately by the Resident. In most cases they were accepted and made the basis of the settlement of the revenue of the amils; in some few cases, where they appeared too low, the principle of competition was admitted to a limited extent, and the revenue of the amil was, with his consent, fixed at a somewhat higher amount, and in two cases (those of Koli Asla and Dawrooah, mentioned in the last chapter) Mr. Duncan was precluded from obtaining the full revenue ascertained by the canoongoes' estimates as the amils produced perpetual grants of the pergunnahs at inadequate revenue under the signature of the former Resident Francis Fowke. In a few other cases some concessions had to be made to the favourites and relatives of the Rajah, for example, to Dhuleep Singh, and to the Rajah's grandmother Rannee Goolab Kooar.

Canoongoes attended on Resident with their estimates from middle to end of December.

Estimates mostly accepted.

Revenue payable by amil thereupon fixed.

Concessions made to Rajah's relatives and favourites.

The most alarming falling-off in revenue resources appeared in four pergunnahs of the Ghazeepoor district, *viz.*, in Sekunderpoor, Khureed, Zahoorabad, and Puchotur (in which last the falling-off amounted to Rs. 27,364). The canoongoes were examined on oath, and attributed this decrease to the present year's drought and to the mismanagement of former years, and the consequent diminution of cultivation.

Decrease most alarming in Pergunnahs Sikundurpoor Khureed, Zahoorabad, and Puchotur in Ghazeepoor.

Mr. Duncan was much alarmed at the prospect before him, and, seeing clearly that the resources of the Province would be insufficient for both the revenue of the Government and the Provincial charges, determined to reduce these latter as much as possible. Having

Mr. Duncan determines to reduce the charges upon the Province.

this object in view, he addressed to the Rajah the following letter :—"As the present decayed state of many pergunnahs has been occasioned by the severity of the collection in former years, and the deficiency in the rains of this, which last circumstance has rendered the cultivation in many places of no avail, the assessment of the current year on the country must, in view of the cultivation and salvation of the country, be proportionally less than other years. It is, therefore, under such circumstances, incumbent on your attachment and fidelity to reduce some part of the expenses of the Sudder Cutcherry or charges defrayed from the surplus collections at Benares, and as, in my opinion, there is no occasion for keeping up so many as 47 horsemen, 287 peons, and 75 harcarahs, since from the beginning of the present Fuslee year, I have myself carried on all the business of this country with only 100 badge peons, nor is there any doubt but that with this number of peons, with the assistance, when occasionally necessary, of the Honourable Company's sepoys, the business of the country may be carried on; wherefore it seems to me that if you keep for your retinue two horsemen, together with 60 peons and 40 hurcarahs to be on the establishment of the Sudder Cutcherry these will suffice. Therefore from half of the month of Magh you will continue to charge accordingly."

Writes to the Rajah to reduce his "Sudder Cutcherry" expenses.

The subsequent correspondence was as follows :—

(Letter from the Rajah to the Resident.)

"If on account of my helpless state there was in former years excessive exaction in sundry places, it may have been so, but in the year 1195, in all places where they appeared, you yourself also issued your injunctions to prevent them, and according to your orders you are fully acquainted in what manner I exerted myself on the subject, on which account also a heavy balance has remained in the country. Yet, in whatever manner I did so, I paid up the revenue; but on account of the deficiency of rain, certainly the crop has, in sundry places, been injured; but if at the first my advice on this head had been asked, I would have represented whatever appeared to me as for the advantage of Government and of the country; but whatever you have concerted and determined is the best.

Rajah replies expressing his willingness, that only the necessary establishment be retained, and regret that his advice had not been taken.

"As to the sebundy which you mention, the fact is that from the beginning of the Fuslee year 1190, the sum of Rs. 4,000 monthly was fixed for the establishment of the Sudder Cutchery, and with a view to the advantage of Government, I paid out of this fund the allowances of the officers of the Adaulut, and whatever increase has taken place in the monthly allowances of the officers of the Adaulut was sufficient, and now you are pleased to order that for my retinue I should retain 10 horsemen and 100 hurcarahs and peons, but as the horsemen, peons, and hurcarahs were appointed for carrying on the business of Government, and not merely for my retinue, I therefore represent that they are not requisite for my retinue. Whatever are necessary for carrying on the public business let them be kept up, and let only an order be issued to pay them as is necessary up to the middle of Poos, that having received all their wages they may be dismissed.

"An answer is written to the Rajah stating that, with respect to the consequences of the excessive exactions in his country, they are but too visible from the decayed state of many of his pergunnahs, among which may be instanced Secunderpoor, Khereed, and Chowsa, which he has himself had an opportunity of inspecting, and seeing the desolate state of; and that with respect to Kuntit, Puchotur, Zehoorabad, Kerowna, Rohtoopore, and many others which have fallen in the present from the last year's rental, such defalcation is principally to be attributed to the last year's exactions; and that as the Rajah has signified that if his advice had been asked

Resident answers that the consequences of excessive exaction are plainly visible, but will be glad to have the Rajah's opinions.

in time, he could have given a salutary one, he is informed that it is still not too late, as none of the settlement has yet been irrevocably fixed, and generally altogether remains to be fixed. He is, therefore, requested to favour the Resident with his opinion as to the best means of providing for the joint object of securing the good of the country and the advantage of the revenue, with assurance that his suggestions shall be duly attended to and considered, and that an answer will hereafter be transmitted to the other parts of his reply."

Reply of Rajah to the Resident.

Raja suggests granting leases for three and five years to creditable amils, and regrets a general estimate had not been made from all the separate "douls."

"I have received the honour of your letter dated the 31st of December, 1788, mentioning in substance that there still remains time for advice to be asked, because the settlement is not yet fixed, and that not one pattah has yet been given to any one. Wherefore I am desired to write what is in this respect the most advisable as well for the present as for the future.

"My kind Sir, you are by the favour of God the master, and wise, and from your view it is not possible that anything is concealed. Be pleased to consider that now four months have elapsed of the present year, and only five or six months of the season for collection remain. As the amils were before appointed to the pergunnahs, how many of the douls can have been given by the canoongoes without the advances of the amils? If the officers of the Presence had collected all the douls together, and made up a united or reconciled statement thereof, that the good and evil of the whole might first have been known to you, and thus proceeded on, it would have been better. I do not consider myself like other Rajahs, but am merely made and upheld by the Sircar, and consider the welfare of the Sircar as my advantage and honour. Now merely by your exertions and good fortune it is certain that everything will be better, but if leases of three and five years be granted to creditable amils, certainly the profit of Government and the cultivation of the country may then daily ncrease.

Resident replies that the country suffered last year from over-assessment; that the Rajah should consider its welfare before his own convenience or inconvenience.

"An answer dated the 1st January, 1789, is written to the Rajah as follows, stating that the cause of the lateness of the present year's settlement and of the nomination of amils to the pergunnahs before the rental was fixed was done with a view to afford time to every pergunnah, as nearly as might be, according to the ability of each, and to avoid the error of last year in over-assessing sundry pergunnahs, and thereby creating a fallacious rental, impossible to be ever realized, and causing destruction besides, in the vain attempts towards it, to the future funds of the country which (as is notorious to every man within the zemindari) have been rapidly sinking both during the last and for several preceding years, so that had not a change taken place in this, the Rajah would soon have had but little revenue to collect, and that as to the supposed collusion between the amils and canoongoes, it has been guarded against as much as possible.

"1*st*,—By the accounts of the past years and by the Raja's own collections in the last; and

"2*ndly*,—By the oaths of the canoongoes where the apparent deficiencies are the greatest, and where there are grounds of suspicion, and that with regard to the Rajah's observation that all the douls should have been collected and made up into one account before they had been proceeded on; this would have been very proper where it was meant to keep up the former fallacious and unrealizable Mufussil jumma, at all events in the accounts, but was not essential where the determination was to afford the necessary relief to each pergunnah separately; besides which there was this further objection that the settlement could not in that case have been completed till the 4th or 5th kist, and the Rajah will in his own mind determine whether he could ever have collected

one from the amils upon the credit of his future settlement, when he may be able to determine whether all that was in this respect practicable and necessary has been done or not. The Resident further observes to the Rajah that he is happy to find he approves of a settlement for a term of years with the more creditable amils, as it was the Resident's design for some time past to have proposed such a scheme.

"*Finally*, the Resident remarks to the Rajah that he has himself undertaken the present settlement against his own inclination from a sense of the duty of his station, and in pursuance of the instructions of his superiors; that the Rajah knows how far he has hitherto endeavoured to reconcile these his primary duties to the view of the Rajah, but that in a matter of this moment he can only regret if his sentiments run counter to those of the Rajah, and console himself in the idea that in whatever light the Rajah may view the present measures, their sole and intrinsic object is the welfare of his country, which he ought certainly to consider in every sense as his own dearest and best interest, and set all temporary consideration of convenience or inconvenience at nought which might be put in competition therewith."

Mr. Duncan addresses Government noticing saving of Rs. 13,533 in Rajah's establishment.

Mr. Duncan in his address to Government of the 26th April, 1789, after noticing that Rs. 13,533 had been saved by the reduction of the Rajah's establishment, thus narrates his subsequent proceedings, the granting of some pergunnahs on five year leases, and the settlement of the pergunnahs of the Jaunpoor District with Sheolall Doobe, who in the preceding year had been the banker of the amil, and had advanced a sum of Rs. 85,000 to make up the revenue of the State.

Settlement of Jounpoor Pergunnahs with Sheolal Doobe.

Estimate of Revenue in two forms.

In this stage of the business of the settlement, having at length procured the major part of the canoongoes' statements, I prepared a general estimate of what their general amount might turn out in two forms—1*st*, on the footing of basis for one year only; and 2*ndly*, on a calculation or estimate of what the farmers of many of the reduced districts might be induced to agree to, as a surplus even on the present year's jumma in consideration of their farms being let to them for the certain period of five years upon an increasing jumma.

1*st*.—Leases for one year.

2*nd*.—Leases for five years.

Leases for one year produce Rs. 35,28,633.

The result of this rough estimate was, that by letting all the pergunnahs on leases of one year only, Rs. 35,28,633-13-0 would be obtained, and that by fixing five year leases for such of them as were most decayed, Rs. 36,01,863-14-6 might, perhaps, as we then calculated, be procured; from which the rental might, by a gradual annual increase on these mahals, thus let for five years, be raised on the fifth and last to above Rs. 38,00,000, which is as high as Government ought ever perhaps to wish to raise or maintain the mofussil rental of this country.

Leases for five years produce Rs 36,01,863, rising to Rs. 3,80,000.

Mr. Duncan adopts the five years' leases.

Upon the most mature consideration of this project, it appeared to me proper to be adopted on every account, as well for the present advantage as for the future benefit of the country, for it is certain that pergunnahs once reduced and impoverished can never improve or be effectually restored under the operation of annual settlements, in which the inhabitants are liable to constant changes of interior management, and to all the rapacity incident to the insecurity of annual farmers; having also your lordship's sanction for this measure in your letter of the 3rd October, provided the Rajah gave his consent; and the Rajah having himself advised the measure in our correspondence on the settlement. I proceed therefore to negotiate with sundry of the more substantial amils who had before entered into engagements for one year to the extent of the canoongoes' douls, to know what increase they would engage for, should their

Negociations with amils to engage for five years.

annual be converted into a five-year settlement, and I did in consequence thereby obtain some addition to the present year's rental (though not so much as I had calculated in the above-mentioned estimate), and at the same time procured what is of more consequence a security, or complete conviction to my own mind that the mehals thus let for five years on a moderate increasing jumma, will before three years of the leases have expired be restored to an almost entire state of cultivation, from some of them having lately been more than half waste.

Mahals certain to be quite restored in three years.

" Your Lordship has been apprized in a former part of this address that with regard to the settlements of the pergunnahs of Bhowlee or Bhoilee and of Jaunpoor, &c., I was not at liberty to dispose of those divisions of the country entirely as I myself might have wished from the engagements which I had been under the necessity of sanctioning with Sheolall Doobe, on account of the arrears or rather total failure of Kulb Ali Beg; yet feeling a strong aversion to permit the said Beg to avail himself so far of his own wrong as to convert it into the very means of maintaining himself in a situation which, even his good behaviour might not (considering the impolicy of large farmers) have procured his continuance in, and standing myself engaged only to Sheolall Doobe, who had been during the greater part of last year employed in the collections of Jounpoor, under Mr. Neave, I proposed to the said Doobe to become himself the farmer on the same terms as to jumma as was to have been fixed for Kulb Ali Beg, to which the former agreeing, the said Beg was thus excluded from all revenue concerns in this country, and sent to Ali Abrahim Khan's Adaulut for the adjustment of the very heavy embezzlements or misappropriations that have appeared ever since my letter of the 12th September, to have been made from the amount of his mofussil collections for the last year 1195."

Kulb Ali Beg replaced in Jounpoor by Sheolal Doobe, and transferred to the Adaulut of Ibrahim Ali Khan.

Financial result of settlement.

The general financial result of the settlement is thus stated by Mr. Duncan.

" The settlement of 1196 is contained in the accompanying accounts, Nos 12 and 13, the following abstract of which is here inserted:

	Rs.	a.	p.
" Gross funds for it as above deducted from the account No. 11.	40,28,517	3	3
" Deduct the separate land malikana of Rája Rám Gholam, included in the above.	37,500	0	6
" Remains net mal funds for the settlement ...	39,91,017	2	9
" Add abwab or taxes of 1187 Faslee as per the regulation of the 25th June, 1778, by which all other is abolished.	87,679	3	0
Total of mal and abwab ...	40,78,696	5	9
" Add the two following articles, first on account of the ayma village of Sultanpoor in Juanpoor, resumed for some years past but not included in the funds for revenue.	1,046	14	0
2nd—Gain by Balla in Gurwara	11,284	15	0
Total of funds ...	40,91,028	2	9

	Rs.	a.	p.
" *Deduct*—			
" *1st*,—Dehyek or 10 per cent. for charges of collection and farmer's profits given to most, but not to all, and where given not exactly the same to all of the mahals as per particulars in the Account Settlement No. 12.	3,69,883	6	0
" *2nd*,—half of bhurray as already explained and also stated in No. 12.	44,267	12	9
" *3rd*,—Choate Muáfi or remittances on sundry accounts.	83,156	11	6
" *4th*,—Nancar or allowance now settled in land in favour of the canoongoes, and this year first made a charge to Government.	43,225	3	6
Total charges on the settlements ...	5,40,533	0	9
Remains of gross funds ...	35,50,495	2	0
" Mawhoofa or alienated from the revenue funds on the following accounts:			
" *1st*,—To Sheo Lal Doobe in Jaunpoor and Bhowl ion account, and in part payment of advance towards the revenue of last year, as the particulars on the proceedings on the settlement including Rs. 2,000 given up to him.	46,239	2	9
" *2nd*,—On account of jágirs, 1st that of Sheo Pursun Singh, Kola Asla, as already explained in the voucher No. 889 that accompanied the address.	10,000	0	0
" *2nd*,—That of Takooray Bukkit Singh in Bhurwal, by a sunnud from Rajah Bulwunt Singh.	1,501	0	0
" *3rd*,—On account of charity annually paid to certain Rozinadars at Jaunpoor.	2,189	0	0
	13,690	0	0
" *4th*,—Abatements allowed from the canoongoe's dowl on various accounts.	9,131	14	6
Total ...	69,061	1	3
Remain ...	34,81,434	0	9
" Increase given this year by those of the amils who have obtained five year-leases.	95,535	6	2
" Total of the settlement for 1196, of which 38 amils, leases to the amount of Rs. 23,32,555-5-6 are for five years on an increasing jumma, and those of 28 amils for Rs. 12,44,414-1-6 are for only the current year, as will be found specified in the accounts of settlement above referred to.	35,76,969	7	0
" Total of the settlement (including the one year's eases at their present valuation, and adding the proportional increase in those for five years) for 1197	36,45,536	7	0
Ditto ditto 1198	37,13,719	7	0
Ditto ditto 1199	37,64,176	2	0
Ditto ditto 1200	38,08,674	15	9

"The amount of Mr. Duncan's settlement was entirely realized, and the actual collections were Rs. 8,236 higher than he anticipated. The Customs duties of the Province which amounted to about four lakhs of rupees per annum are of course not included. Adding to them the land revenue of the year, the sum total was yet one lakh of rupees less than that fixed by Warren Hastings. As the Rajah had not been responsible for the administration during the year, he was not called upon, as in the previous years, to make good the deficiency from his jaghir lands. Some attempt was made by Mr. Duncan, but without success, to diminish the difficiency by curtailing the annual allowances to the village zemindars, amounting to Rs. 83,156. He suggested that the charitable allowances to the Mahomedan pensioners, restored by Warren Hastings, might for a time be reduced, but did not recommend that this should be done.

Mr. Duncan's settlement entirely realized.

Customs duties, Rupees 4,00,000.

Less by one lakh than Hastings' demand.

Rajah not held responsible for deficiency.

Mr. Duncan attempts to diminish deficiency.

Suggests curtailment of charitable allowances to Mahomedan pensioners.

"The Government in their reply to Mr. Duncan of June 17th, 1789, expressed their unwillingness "to adopt any measure for supplying the deficiency of Rs. 1,01,814 between the settlement and the demand of Government upon Benares, which may have a tendency to shake the confidence of the inhabitants in Government. That whatever increase may arise from the customs is a fair resource, but that any diminution of charitable allowance is very undesirable."

Government declines to adopt any measures to supply deficiency tending to shake the confidence of the people.

"The wisdom and moderation of the Government and of Mr. Duncan were amply rewarded. Before the termination of his administration, this deficit of one lakh of rupees was converted into an annual surplus of two lakhs, and at the same time the country was transformed from a miserable to a prosperous condition.

Wisdom and moderation of Government and Mr. Duncan shown.

"In the working of the settlement it was found difficult to enforce the rule for revision of the rent-rates of the year 1187 Fuslee, that is the last year of Rajah Cheyte Singh's administration. In cases where the country had decayed, where wells had fallen into disrepair and where ground formerly under the finer crops was now sown only with common grain (as in Ghazeepore), the tenants were unwilling and unable to pay for their fields at the rates formerly assessed upon them.

Difficulty of revision of rent-rates of 1187 Fuslee.

In cases where the country had decayed.

"On the other hand, where cultivation had improved and the rents had been raised, as was the case in parts of the Jounpore district, the village renters were unwilling to accept from their tenants lower rents than they had been paying for the past few years.

Where it had improved.

"From various passages in the Benares records, I am inclined to believe that although Mr. Duncan never gave up the standard which he had adopted, yet in practice the village renters and cultivators, in the great majority of cases, settled the rates of rent by mutual agreement, without regard to the old rates. It further appears from proceedings which took place in pergunnah Ghazeepore, that Mr. Duncan was willing to sanction this deviation from the rates of 1187 Fuslee, when agreed upon by both landlord and tenants.

Villagers settled rates by mutual agreement.

Sanctioned by Mr. Duncan.

"The existence of a known standard of reference for the decision of all disputed cases had a very marked result in diminishing the number of disputes. In the preceding year there had been an immense number of complaints of exaction preferred by actual cultivators—in 1196 there were scarcely any.

Existence of a fixed standard of reference diminishes complaints of exaction.

"There were, however, a considerable number of complaints preferred by village renters against the amils of dispossession from village management. I have already explained the system in force by which the final assessment of villages was not determined till near the end of the year.

Many complaints preferred of dispossessing by amils.

"The amils in many cases ejected lessees who would not agree to pay what they considered a fair rental. All complaints of ejectment were heard by Mr. Duncan himself, who, though he had been authorized by the Government Order of the 3rd October, 1788 to establish a Revenue Court, thought it wiser while things were unsettled himself to investigate every complaint, and himself to give redress for any grievance. He set apart the first part of every day for the trial of such cases. "In deciding on these disputes," wrote Mr. Duncan, "which, as will appear from the preceding explanation, do not affect the ryots (who have only to pay the rates of 1187 either to the amil or his representative). I have endeavoured to observe a due medium, consistent at the same time with essential justice; in consequence of which many more than two-thirds of the zemindars or under-farmers, who had thus complained, have been maintained in their tenure through my intervention; and in some instances where they would not agree to reasonable terms, I have allowed of their being dispossessed. The general rule for deciding in such cases, is the dowl or estimate of the canoongoes of the pergunnah forming a sub-division or proportional part of the general dowl delivered to me at the period of the bundobast of Government settlement with the amils, and on which the last-mentioned settlement is founded. Nothing can in general be fairer than this rule, and accordingly few of the complainants objected to it, and wherever they did not and could give security, I have kept them in their tenures, and the season of the year is now almost elapsed for such complaints to continue to be preferred."

All complaints of ejectment heard by Mr. Duncan himself daily.

Two-thirds of zemindars or under-farmers upheld in possession on accepting reasonable terms.

Usually according to the canoongoes "dowl."

Mention has been made of the revival of the office of canoongoes or pergunnah accountant and registrar by Warren Hastings. For the first few years after the re-establishment of the office the canoongoes were remunerated by a cess imposed on cultivators, and as this tax was collected and paid to them by the amils, the canoongoes were very much under their control.

Appointment and remuneration of canoongoes.

Mr. Duncan, with a view of making them independent, allotted to them lands for their support. The annual value of these lands was Rs.

Mr. Duncan allots them lands for support.

The canoongoes and their estimates were the foundation upon which the whole of Mr. Duncan's settlement proceedings rested. He had not at his disposal, like the settlement officers of the present day, trained European and Native surveyors, and accomplished covenanted revenue officers, to visit every village and to ascertain from inspection and local enquiry the rent-rates and the quality of the soil. The canoongoes and a few old revenue officers of Bulwunt Singh's time, particularly Umrao Singh, Mr. Duncan's Sheristadar, Shunker Pundit, who for a time had been Naib of the province, and Ramchund Pundit of Bulliah, were his only sources of information. Considering the imperfect staff at his disposal, and the great rapidity of his proceedings, the excellence of his settlement work is wonderful, but it is not the less to be deplored that at a time when the machinery of the administration was so rude and imperfect, Government revenue should have been irrevocably fixed, and an attempt made to fix the status of the land-owning and cultivating classes.

Mr. Duncan's settlement founded on canoongoe's estimates in absence of other sources of information.

Umrao Singh, Shunker Pundit, and Ramchund Pundit, his chief informants.

The following extract from Mr, Duncan's report of the 26th April, 1789, shows how rapidly the canoongoes emerged from a position of dependence, and how from having been the servants they became the masters of the amils.

Canoongoes became independent of amils

"The business of the settlement, and the multiplied current avocations of my station, together with a desire not to disgust the canoongoes in the present stage of the new settlement, have prevented my yet proceeding to a thorough arrangement of their department. I trust I shall have a little more time to allot to this and some other inferior duties incumbent on me. The canoongoes are now, or ought to be, effectually independent of the amils, enjoying each of them separate portions of land in each pergunnah, which, as already stated, constitute a deduction from the gross settlement, or in fact a charge to Government of Rs. 43,225-3-6. It is surprising what an influence they have already acquired within the few years that they have been re-established, insomuch that the amils find themselves for the most part quite unable to collect their *kists* without their immediate aid and agency, and although their influence could not well be too great were they always actuated by motives of honesty and fair dealing, yet several instances have during this year come before me when they have appeared, instead of assisting, to impede the collections through motives of animosity to the amil, or to reduce him to acquiescence to their interested terms. In such cases my interference has generally obviated the ill-consequences; but there are some canoongoes whom, by way of example, I intend to dismiss before the end of the year, and to appoint others in their stead, not at all of their family, as adhering to the same line of consanguinity would almost entirely defeat the object of the removal."

At a charge to Government of Rs. 43,225-3-6.

Amils now helpless without them, and Mr. Duncan's interference necessitated in some cases.

CHAPTER VII.

Formation of the Permanent Settlement.

Lord Cornwallis considering revenue system of Mr. Law in Behar.

While Mr. Duncan was engaged in endeavouring to reform the revenue administration of Benares, the government of Lord Cornwallis were occupied in the consideration of the Revenue system devised by Mr. Law, the Collector of Behar.

Mr. Duncan proposes to adopt it if such be the wish of Government.

The news of these deliberations reached Mr. Duncan, and suggested to him that it might be possible and expedient to substitute Mr. Law's plan for, or to engraft it upon his own. The first indication of these thoughts is to be found in a letter to Lord Cornwallis of December, 1788, written at a time when the scarcity and famine panic were at their height, from which the following is an extract:—

"If the next rains be favourable then the effect of the new pottahs and of the system I wish to introduce will have a fair trial, and from the short experience we have already, I have no doubt of the success, that is of the country's being thereby soon restored to its former state as long as the system is adhered to, but whether or not—a still greater improvement might not be made by introducing the system begun this season by Mr. Law in Behar, provided it be deemed compatible with the right of the Rajah and other local circumstances of this country, are questions that I have not yet even decided in my own mind, though there can be no harm in thus slightly suggesting the matter: because if Government wish such a plan to be introduced here as judging it preferable to that in my address of September last, I shall readily turn my thoughts towards it, there being nothing I have more at heart than to do the utmost good to this country without feeling the least undue predilection to systems either of my own or of other's formation; desirous only of being able to hit upon and adhere to the best."

Government will consider the introduction.

Government in their reply of the 8th December, 1788, state that they will "take into consideration the suggestions regarding the introduction of the system of taxation recommended by Mr. Law into Benares."

Abstract of Mr. Duncan's order thereupon.

Mr. Duncan did not again mention the subject in his great report of the 26th April, 1789, but he kept the matter in view, and when the rains commenced in June, 1789, he issued on the 14th of June an order, of which the following is an abstract:—

Former orders maintained

1*st*,—The regulations of the 25th June, 1788, with regard to leases to cultivators, are enforced and maintained.

Zemindars to engage for remainder of period of amil's settlement.

2*nd*,—The zemindars are to attend, "in view to the cultivation of their respective zemindarees, upon the amils, and to enter into engagements according to the estimates of the canoongoes for the same period as remains to elapse of the amils' settlement with Government, and are to give creditable security (for the punctual payment of their revenue) and to enter into possession of their zemindarees. They are for the sake of their own advantage to exert themselves to the utmost for the cultivation and improvement of the country."

Of which four years still remained in about half the province.

It may here be remarked that in the preceding year several pergunnahs had been granted upon five years' leases to the amils, so that for more than half the province the leases of the amils had still four years to run.

3rd,—If the zemindar fails to attend upon the amil, and his village is granted upon lease to a stranger, any claim for possession subsequently preferred, will not be allowed during the currency of the amil's lease.

Penalty for non-attendance of zemindars upon amil.

4th,—The amils and canoongoes are to send for the village zemindars of each village, and to tender to them leases upon a fair rent, and if they refuse them, are then to give the village upon a farm for the term of the amil's own lease to an improving and substantial farmer.

Amils and canoongoes to send for and tender leases to zemindars.

5th,—Leases granted will remain in farm during the time for which they are granted.

Period of leases.

6th,—In cases where villages or estates have been divided into shares, and the owners of the shares have always remained in separate possession, they are to be sent for and leases granted them of their portions of villages or estates, upon their furnishing good security for the due payment of revenue.

Shareholders to obtain separate pottahs for their shares.

7th,—Claims for restoration to the possession of revenue-free villages, held under royal grants by Mahomedans, but of which the owners were dispossessed by the Rajahs of Benares, and subsequently received pensions in compensation from the British Government, will not be heard.

Claims for restoration to royal grants by Mahomedans not to be heard.

8th,—In the issue of leases the following three rules are to be attended to:

I.—Amils in granting leases of villages are to take care that the whole amount payable is clearly specified, as no amount in excess of the amount named in the lease will subsequently be sanctioned for any reason.

Leases to specify clearly total amount payable.

II.—Village lessees are themselves to give the cultivators leases as prescribed in the Regulation of the 25th June, 1788.

Lessees to grant leases to cultivators.

III.—The canoongoes are to exert themselves in the issue of leases of both classes, *i.e.*, for villages and for fields, and are to transmit to the Resident statements of the revenue of each pergunnah as finally fixed by the issue of village leases.

Canoongoes to see that both sorts of leases are issued.

The following Minute by Mr. Duncan explains the circumstances under which this Regulation was made and the objects in view:

Mr. Duncan records objects and reasons for regulation.

"On the above regulations the Resident has to observe that they have necessarily been prepared and issued without previous consultation with the Rajah whose health has been for some time past in so bad a state as not only to confine him to his house and room, but to render him incapable of personal attention to business; and as the rains have already set in, it became absolutely essential for the Resident to issue orders for promoting the next year's cultivation without delay, so that season would be best on which depends the ensuing year's revenue. As to the regulations themselves, they may justly be considered a consistent sequel to those of the 25th of June of the past year, and are of course what appeared to the Resident best adapted for promoting the general prosperity of the country, and they are also, he believes, strictly conformable in their spirit and tendency to those which the Hon'ble Court of Directors have transmitted for effecting a permanent settlement of the three Provinces of Bengal, Behar, and Orissa; and although these orders have not been extended to the zemindaree of Benares, yet to adopt the spirit of them or, in other words, to pursue the most likely means to secure the permanent prosperity of the zemindaree of Benares cannot (the Resident supposes) but prove agreeable to Government.

Issued without consultation with Rajah.

Regulations sequel to those of past year.

Conformable to those for permanent settlement of Bengal, Behar, and Orissa by Court of Directors.

"Yet that the Rajah would from his heart approve of any thing like a permanency to the zemindaree of the villages under him, is, in the Resident's opinion, a thing not to be expected. It has been the mistaken and narrow policy of himself and his predecessors from the time of Bulwunt Singh to the present to depress them, and to render their rights of little or no avail; still, however, from the natural necessity of the case they are permitted to rent most of the villages, not indeed on any permanent footing but as annual farmers, subordinate to other under-farmers who are again dependent on the amil of the pergunnah who pays to the Rajah's treasury. In this state of fluctuation and depression they are for the most part reduced to a very low and indigent state, from which it is one of the objects of the present regulations gradually to restore them, so as to enable them to become in due time the universal and permanent renters of their villages either under an amil or otherwise, by paying immediately to the Rajah, should the general abolition of amilships be hereafter ever resolved on—a measure which might tend greatly to the public advantage.

Rajah not likely to approve of a permanent settlement of zemindarees under him.

Object of Mr. Duncan's regulations to improve condition and render permanent tenure of these zemindars.

"For the rest, it is not meant, nor do the present regulations at all extend to restore any zemindar of pergunnahs or rather large portions of land, but merely to afford some permanency to those of the villages, who are actually in possession, but have long been treated on the footing of mere annual farmers."

Settlement of 1196 Fuslee provided for leases of two classes.

It is to be observed that the settlement proceedings of the year 1196 Fuslee had made provision for leases of two classes:

To actual cultivators and to amils for whole pergunnahs.

1st,—To the actual cultivator for his own fields.

2nd,—To the amil for his whole pergunnah from the Resident.

The orders of June 14th, 1789, enacted and regulated the issue of an intermediate class of lease, *viz.*, from amil to the village manager, who in his turn was to grant leases to the cultivators of the fields in his village.

Leases by amils to village managers.

In 1196 Fuslee no regulations were made with regard to village management. The amils were at liberty either to dispense altogether with a village lessee, making their arrangements directly with the cultivators as in the system of Akbar, or to grant a lease of the village to one of the zemindars, or to a stranger, and for as short a term as they pleased. In 1197 Fuslee all this was changed: the amils were allowed no longer to retain the direct management of the villages, nor to entrust them to strangers, except when the owners were recusant, and they were required to give leases to the zemindars for the whole term of their own lease, that is, in the greater part of the province for four years. If for every village or part of a village or estate there had been an acknowledged owner or party of owners, amils would have been able to understand and to execute the orders received. Such, however, was not the case. The pergunnah zemindars whose restoration had been forbidden by Lord Cornwallis in February, 1788, as narrated in the preceding chapter, and whose restoration was not contemplated by Mr. Duncan, were the owners of extensive tracts for which no village zemindars could be found.

In 1196 F., amils at liberty to make their own arrangements with village managers or with cultivators.

In 1197 Fuslee amil's powers restricted to leases to zemindars only.

These orders could not be executed.

Extensive tracts for which no village zemindars could be found.

The proprietary right of many estates was disputed between rival families and rival tribes, while of those estates which were the undoubted property of a land-owning tribe, the owners might in some cases be counted by hundreds and even by thousands; it was therefore impossible to discover the exact amount owned by each individual. It may be gathered from Mr. Duncan's minute that he contemplated the granting of leases only to those of the land-owners who had been lessees under the Rajah of Benares. This limitation

Proprietary right disputed, or held by numerous owners.

Mr. Duncan contemplatld leases only to former cessees of the Rajah.

was afterwards clearly enunciated, but it was not expressed in the orders of June 14th, 1787.

Orders important, but vague.

From these considerations it will appear that the orders, though most important as establishing the general principle of the restoration of village zemindars, were, as first issued, too vague to be generally carried out.

No official authority held by Mr. Duncan to issue orders, but only confidential sanction by Lord Cornwallis.

Mr. Duncan had no official authority from Government for taking the measure prior to the issue of the order. I am, however, inclined to believe that Lord Cornwallis had confidentially given his sanction to the proceeding, and it was not in accordance with Mr. Duncan's methods of procedure to take so important a step without authority from Government; and furthermore, three days after his orders were issued, a despatch was drafted in Calcutta, in reply to his report of the 26th April, 1789, authorizing him to introduce into the Benares Province Mr. Law's scheme of permanent settlement. It is probable that the proceedings of Mr. Duncan of the 7th October, 1788, in assuming himself direct charge of the administration were similarly warranted by private intimation of the contents of the despatch of the 3rd of October, 1789, which reached him after his interview with the Rajah.

Authority afterwards given to introduce Mr. Law's scheme of permanent settlement.

Government orders on Mr. Law's scheme.

The Government orders of June 17th, 1789, relating to the introduction of the principles of Mr. Law's scheme are as follows :—" Having thus gone through your orders and communicated our sentiments and instructions as far as they appeared requisite, we have only to report generally our strongest approbation of your proceedings and of the clear and complete communications which you have made of them, and our particular satisfaction at the prospect of the reviving prosperity of Benares under the influence of your example and management.

Instructions relative to permanent settlement in Behar.

" We think proper to embrace this opportunity of transmitting to you a copy of a letter to the Board of Revenue, containing our instructions relative to the formation of a permanent settlement with the landholders in the province of Behar.

Benefits derived from a settlement in perpetuity.

" Although a lease for a term of years is less exceptionable than an annual settlement, we cannot but be of opinion that the benefits expected from it are very inconsiderable when compared with the great and lasting advantages that would result from a system which has for its object the ascertaining and limiting the demand of Government on its subjects, and securing to them in perpetuity the quiet enjoyment of the fruit of their industry.

Its introduction into Benares.

" The instructions now transmitted to you have been formed with a view to those objects, and it occurs to us that the system might be introduced into Benares with equal benefit to the Rajah and to the country at large.

Mr. Duncan's opinion asked.

" We therefore direct that you lose no time in communicating to us your sentiments on the expediency and practicability of introducing a similar plan of settlement into the Province of Benares at the commencement of the ensuing year, either partially or generally, and whether any and what modification of it would be necessary, arising either from differences which may exist between the land-tenures in Benares and those in Behar, or from the relative situations of the Rajah and the landholders and cultivators in the districts under his authority.

Rajah to be [illegible] and his consent [illegible].

" Should you be of opinion that the system may be adopted in Benares with success, we desire that you will give the clearest explanation of its principles to the Rajah, and if he should be convinced by such (we

can scarcely entertain doubt that it will equally tend to promote his own interest and the happiness of his people) and shall consequently appear to be inclined to give his hearty assent to the plan, you will take such preparatory measures as you may then think proper, either for the partial or general introduction of it at the commencement of the ensuing year, suspending the final execution of that until you shall receive our sanction for that purpose.

Preparatory measures to be at once taken.

"We are aware of difficulties arising from the settlement now made, yet they do not appear to us of sufficient magnitude to impede the plan of a permanent jumma. The principal point for consideration, exclusive of that recommended to your attention, is this, whether the circumstances of the country are adapted to the introduction of such a system, or whether it might be established with more advantage at a later period."

Principal point: preparedness of the country.

Soon after the arrival of these orders on the 6th July, 1789, Mr. Duncan had an interview with the Rajah, of which the following is his account:—

"The Resident this day waited on the Rajah (who is himself too ill to come out) to confer with him on the subject of the ensuing settlement as directed by the Governor-General in Council under date the 17th of last month.

Resident visited Rajah on 6th July, 1789.

"The Resident after assuring the Rajah that Government had nothing in view, but the advancement of his real prosperity and happiness, and those of the country and its inhabitants at large, which were objects naturally and entirely connected with each other, and stating as proofs thereof the determination never to demand more as Government rental than 40 lakhs as a permanent jumma, at the same time that Government had this year foregone part of that annual and established right, in view of the future advantage of the Rajah and his country, proceeded to explain the general principles of the system which Government had ordered for the revenue in the province of Behar, by the establishment of a permanent jumma, and which they were desirous, as far and as soon as might be practicable, to introduce into Benares, in the welfare of which they are equally interested as in that of any part of the Company's dominions.

Resident assures Rajah of the good-will of Government towards him.

Explains general principle of system.

"In the course of this conference the Resident intimated to the Rajah (as suggested in the Board's letter, above quoted) that the Governor-General in Council looked forward to the period when his Lordship might be able to restore the permanent management to the Rajah, and that if he heartily joined in the proposed measures, perhaps the situation of things might be such as to admit of that restoration taking place in the end of the ensuing Fuslee year or 1197; but that if he (the Rajah) did not heartily join in forwarding the object of the system in question, the period he might thus look forward to must thereby be rendered very indefinite and uncertain: because, howsoever much the Government wished in every respect to promote the Rajah's personal satisfaction and to establish his dignity, yet these points could only (as he must be sensible) be attended to consistently with a due and requisite attention to the prosperity of his country: and that therefore the Government could not after the danger that had been escaped in the last year 1195, again commit the entire charge of the interior administration and collection of the revenue to him (the Rajah) till they were satisfied of the safety of such a measure; but that as soon as they had obtained such satisfaction, it would prove also a grateful relief to their Agent on the spot to re-commit to him the charge of his country.

Restoration of management of Province to the Rajah.

If he joined heartily in carrying out system.

"To impress the Rajah still further with a conviction of the honourable views which Government at all times entertain towards him, the Resident took occasion to observe to him that although, as above observed, the Government rental of 40 lakhs would not this year be completed from the ordinary funds (exclusive of the jaghiery grants allotted

Resident still further impresses on Rajah the views of Government towards him.

for his maintenance) yet his Lordship in Council was far from meaning to make any demands on the latter, but did, on the contrary, consider it a just and desirable object to have the provision for the Rajah's dignity as ample and sufficient as possible, with which view a reference would be made to the honourable the Court of Directors, concerning the deficiency or unproductive part of it as stated in the original settlement, and the Resident added an intimation as his own opinion that he was well convinced the Government would at all times be ready and willing to make the Rajah perfectly easy in regard to his own establishment by even granting any reasonable augmentations to it that should at any time prove eventually necessary, adding in short that pecuniary consideration formed not the primary views of the Company's Government in respect to Benares, but that the happiness of the people of it and the honour of our Government, thence derivable were and did constitute our main object and the basis on which it was wished to establish our administration.

Rajah might be easy in regard to his own establishment.

The happiness of the people, the main object of Government.

"After these declarations, the Raja whose ill-health prevented, perhaps, to a certain degree the full impression which the preceding details might otherwise have made on him, did yet, as far as from the state of bodily languor he is in, joined to the possible degree of disappointment in the prospect which the discourse held to him of being kept for at least another year out of the management, declare his ready and ever-thankful assistance and concurrence in the intentions of Government, declaring that as its objects in regard to his personal prosperity as founded upon that of the country, were and must of course be entirely conformable to his own, he could not possibly entertain objections to the measures which were thought most conducive to such ends, and that as his dependance rested alone on Government, his wishes were and must be to afford it satisfaction."

Raja declared his entire concurrence and readiness to assist.

The rains of 1789 set in abundantly, and cultivation was everywhere commenced with vigour. Ameens for the encouragement of cultivation were not, as in other years, sent into all parts of the province, but only into a few pergunnahs leased for a single year, the amils of which were not to be relied upon.

Rains of 1789 abundant, and cultivation vigourously carried on.

In the preceding year the amil of Shadeabad had, without any orders from the Resident, given five years' leases of many villages to strangers. After the promulgation of the June regulations, the village owners refused to admit their interference, and Mr. Duncan, approving of their resistance, cancelled all leases granted to strangers by the amil except in cases where the zemindars had in the first instance refused to take the leases. The orders of June, 1788, with regard to reverting to the rates of 1187 Fuslee, had in many places throughout the province been misunderstood by the canoongoes. Estimates of village rents had been furnished by them which were there actually in force in 1787, and not found, as they should have been, by applying the rates of that year to the present cultivation.

Leases to strangers by amil of Shadeabad cancelled by Resident.

Orders of June, 1788, misunderstood by canoongoes in many places.

Much difficulty was experienced everywhere in the introduction of the uniform and standard measuring-rod instead of the many and various local standards of length which were in use in different parts of the country.

Difficulty in introducing standard measuring-rod.

In recent times the amils, with the purpose of enhancing the rents of cultivators, had established a custom that their subordinates when measuring the fields of the husbandmen with ropes should make twists or loops of the rope (morh) round their neck and shoulders at the beginning and end of each side of a beegha: the result of this was to diminish the

Frauds by amils in measurements through twists and loops in the ropes used.

size of the beeghas sometimes as much as one-sixth. The Bulliah custom was somewhat different, and is thus described by the amils. "The measurers tie a knot in the measuring rope at every half biswah, and then give it a turn round their necks like Brahmins."

There were in force throughout the province three classes of bighas—

Standard beegha.

1. The standard beegha of 56 yards square, determined by Mr. Duncan;

Local beegha.

2. The original local pergunnah beegha;

Local bigha diminished by false measurement.

3. The local pergunnah beegha diminished by the custom of making loops.

Resident orders the primitive local beegha to be observed in determining rates by standard beegha.

Mr. Duncan in July, 1789, issued orders for the abolition of this objectionable practice of making loops in the measuring rope, and ordered that, in determining the rates for the standard beegha in 1187, regard should be had to the primitive local beegha and not to that diminished by fraudulent and rapacious amils.

Bulliah Revenue Report furnished by Ram Chand Pandit in July, 1789.

In July, 1789, Pandit Ram Chand, the amil of Bulliah, sent in his grand revenue report of the pergunnah, several passages of which I have had occasion to quote, and the whole of which merits most careful study.

The following extract from this report shows how little the pergunnah canoongoes were to be depended upon in giving true information, and how great was the difficulty which an honest amil found in carrying out Mr. Duncan's orders and in determining with regard to every village in his jurisdiction.

1*st*,—To whom he should give the lease, and

2*nd*,—On what terms.

Discrepancy in pergunnah estimates.

"The pergunnah estimate of Andy Laul was Rs. 1,30,000 of Gowenhaby currency, that of Rajib Ali, Rs. 1,47,000, that of Soobon Doss Rs. 1,43,000, and that of Dariao Narain, Canoongoes, Rs. 1,35,000, and comparing the estimates together, they appeared greatly to vary from each other, and they each declared that if he or they were exclusively to be employed, they would realize their own estimates. Dariao Narain was asked by me whether he had well considered the materials of his estimate. He answered "yes," and said, that if I would set out, he would prove to me in eight days' time its good foundation by ocular demonstration. I answered "that I could hardly conceive eight days sufficient time to ascertain all the revenue funds in the country, and the season being far advanced then I told him to proceed in the settlement upon his estimate, if he was well convinced of its being substantial." At this period Rajah Bhowayel Singh (the former Rajah of the country) came. I then assembled the land-owners and cultivators, and commenced the assessment with the assistance of the Chaudry, Canoongoes, and the Rajah. I invited all those land-owners, who saw their interest in so doing, to take leases, declaring that to induce any man to enter into such engagements, I would neither use force nor solicitation, but that all those who entered into engagements were to make their collections from the ryots according to the regulations of June, 1788; and that those who this year should keep the ryots contented and pay the revenue of Government punctually, should be kept in possession for the ensuing year; and that I should adhere to my engagements and in no respect make any further demands, for that, in truth, I meant not to practise the arts of an amil, but to act with the regularity of a banker. The land-owners having understood all these particulars applied for leases, insomuch

Dariao Narain offers proof of correctness of his estimate in eight days.

Assembly of land-owners.

Land-owners invited to take leases.

Did so to the extent of Rs. 25,000 in three days.

that in about three days' time leases to the amount of nearly Rs. 25,000 were issued. On enquiring into the particulars of each cabooliat, it appeared that between these people existed strong contention, partiality, and resentment; thus it appeared that the two canoongoes were secretly contending against each other, and that between Dariao Narain, canoongoe, and Sooben Doss, the gomashta of Atmaram Doobé, there had been contention for a length of time, so that the villages which had for many years been rented by Atmaram Doobé, Dariao Narain caused to be given to others on an increased rental. On the other hand, the villages in which Dariao Narain did himself carry on the cultivation, or in case where Dariao Narain wished particularly to favour the land-owners, there Sooben Das, the gomashta of Atmaram Doobé, caused such places to be given to others on an increased rent; and in other places, where last year one partner had excluded another by himself taking a lease, the excluded shareholder did this year by taking a lease through another person re-enter into possession. On a view of these particulars, I considered that howsoever much this mode of acting might accord with the interested views of an amil in order to increase the rent, yet ultimately it would never answer; for that the estimates given in by different people were made out in reference to the collections made by former amils, and in some places from motives of private resentment, and that although they would take leases, yet in future they would ill-use the ryots. From all these considerations I deemed it improper that the settlement should be made in this manner. Wherefore setting all these counsels aside, I went out myself to make a circuit through the pergunnah. This indisposed Dariao Narain, Canoongoe, against me, so that in those places where the cultivation was, and for which Sooben Das had taken leases, he there excited the zemindars to proceed to the Resident to complain.

Hostility between Dariao Narain, canoongoe, and Sooben Dass, gomashta.

Pundit went himself throughout the pergunnah.

Heretofore when the naibs of the late amil went into that pergunnah, the manner of proceeding was this that the inhabitants there making a provision of some advantage to that naib, caused the settlement to be made with some land-owner or lessee on a bribe given, and when the latter failed, the naib shut his eyes and let the country run to ruin as it might. I always declared "that I was not a naib. That whatever I did should be done publicly, so as that all men might witness my proceedings, and that the canoongoes might register every particular."

Amil's naibs usually took bribe to make favourable settlement.

Pundit refused to countenance such proceedings.

In July, 1789, the first orders were issued by Mr. Duncan for the settlement of a pergunnah for ten years, the period to which the whole of the settlement of 1789-90 was ultimately extended.

First orders issued for decennial settlement of a pergunnah.

Charges had been preferred by the first and most influential indigo-planters in the province—Messrs. Gilchrist and Chartres, who were settled at Ghazipore—against the amil of the pergunnah of breach of the revenue regulations. The amil threw up his lease, and Mr. Duncan took advantage of the interval before the appointment of a new Collector of the revenue to carry on his settlement operations through an independent agency. A native commissioner or ameen was deputed to make the settlement on the principles already described, and he received the following additional instructions:—

Advantage taken of resignation of an amil to effect a settlement of his pergunnah.

Ameen appointed to make the settlement.

Instructions.

1st,—When three-fourths of any village is cultivated, the settlement is to be at once made at a uniform rent for the whole period of ten years.

Village three-fourths cultivated to be at once settled for ten years.

2nd,—When more than one-fourth of the village is waste, the settlement should be for the first five or six years of its currency a progressive one.

Village more than one-fourth waste; progressive settlement.

3rd,—A clause is to be entered in each counterpart of lease, that whatever balance may be incurred in the amount of the proprietor's engagements shall be recovered by the sequestration and sale of the proprietor's property, including the land of his zemindaree or share, whenever Government shall order the same to be put up at auction sale.

Clause for recovery of balances by sale of proprietor's property.

4th,—The tax on spirit-shops and on weavers, and the *ghurdewales* or shop-tax, appertaining to the old sayer or customs, still unabolished, shall be kept distinct from the leases granted to zemindars.

"Sayer" dues to be kept distinct from lease.

5th,—Villages without proprietors to be settled by leasing them to creditable and improving farmers on their giving security.

Certain villages to be farmed.

6th,—Where zemindars will not agree to a reasonable rent their village is to be farmed, and a provision made for the subsistence of the ejected zemindar.

7th,—The villages of females and minors to be made over to friends of the family in farm—an allowance of 10 per cent. being allowed for the maintenance of the female or minor.

8th,—The instalments of revenue to be fixed so as to be easy to the revenue-payer.

Instalments to be easy.

In the third of these rules is to be seen the germ of the pernicious system which, taking its origin in Bengal, has to so great a extent nullified the benefits of the permanent settlement of the Benares Province, *viz.*, the realizing revenue by auction sales. These rules, issued for the settlement of the single pergunnah of Ghazipore proper, were made generally applicable to other cases in which amils resigned their farms or were dispossessed of them. And in the following month of August orders were given for the ten years' settlement of two other pergunnahs (Gurha and Dehma) on the same plan, "being the same in substance as that of the Governor-General in Council for the Province of Behar."

Origin of auction.

Sales for arrears.

These rules made generally applicable.

On the 21st of August, 1789, Mr. Duncan held a conference with the Rajah on the subject of extending the ten years' settlement to the whole province. The following is his record of the conference:—

Conference with Rajah regarding extension to whole province of decennial settlement.

"The Rajah having this day paid a visit to the Resident, the latter took occasion to renew the subject of the next year's settlement, and to express his wish that the ten years' mofussil settlement might, in the course of the ensuing season—from October, 1789, to October, 1790—be effected as generally throughout the zemindari as possible, provided he (the Rajah) saw and was satisfied of its expediency and would heartily join therein. In answer the Rajah declared in terms apparently of the utmost candour and sincerity that he was perfectly convinced of the expediency and advantage of a ten years' mofussil settlement, and that he was ready to act and take such part therein as the Resident should think fit. Upon this the Resident proceeded to explain to the Rajah that for this purpose he intended to set out early in November, and to make a complete circuit of the zemindaree, and at the head cutcherry of each pergunnah to examine into and approve of the four years' mofussil settlements which those amils holding five years leases are already instructed to make, and that as the fourth year of this four years' mofussil settlement will in most places be probably the highest jumma which ought to be charged on the lands of the village zemindars, it may (if the Rajah approves thereof) be on the spot declared by him and the Resident to be permanent for the six succeeding years, whoever may be the collector of each pergunnah, or in whatever manner the security of the revenue between the Rajah and the then amils or collectors respectively may be provided for.

Rajah declares his conviction of the advantage of a ten years' settlement.

Resident proposes himself to examine and approve of amil's settlements.

To these propositions the Rajah gives his full general assent, and the Resident proposing to him thereon to accompany him in the circuit to assist and co-operate with him in this important detail ; he also readily agrees thereto being further informed that it is meant to approve of a few of the settlements of the lands which lie in the close vicinity of the city of Benares before the circuit is begun."

Rajah gives his assent and agrees to accompany Resident.

After this conference with the Rajah, Mr. Duncan, on the 8th of September, applied for permission to visit Calcutta for the purpose of having "a nearer and personal communication" regarding the ensuing settlement. Permission being granted, Mr. Duncan left for Calcutta on the 2nd October, and returned on the 9th November. I have not been able to find any account of his conferences with the Governor-General, but it would appear that a resolution was arrived at to grant leases only to those of the village zemindars who had at any time since our last acquisition of the country, by its cession to the company in 1775, held possession by way of farm or otherwise of the villages or lands of which they claim hereditary possession. This limitation of the vague orders of June 14th was in accordance with the ruling of Government of the 2nd in the case of dispossessed pergunnah zemindars, that no claims for the possession of zemindarees in Benares should be attended to where the dispossession took place antecedent to the 1st of July, 1795.

Mr Duncan visits Calcutta.

Resolution then arrived at ~~only~~ to grant leases to zemindars who had been in possession since 1875.

After his return from Calcutta, the Resident vigorously commenced the revision and completion of the pergunnah settlements at which the amils had been employed for five months.

Revision of pergunnah settlements of amils by Mr. Duncan.

He reviewed the Jounpore settlement himself, and deputed his two assistants into the Ghazipore district with the following orders.

Having determined to depute you into the pergunnahs of Zamaniah and Chowsa and Karendah for the purpose of examining into and concluding the mofussil settlement, which the amil of the two former of those pergunnahs was directed to make for a period of four and of the latter for ten years. I now enclose for your information and guidance copies of the several publications and instructions issued on this subject, to every part of which I must request your strict attention.

Orders issued to his assistants.

The aim of those orders and instructions, which it is the object of your present deputation to see fulfilled, is to oblige the amil (as far as regards Zamaniah and Chowsa) to conclude a four years' settlement (being the unexpired part of his own lease under Government), with such of the village zemindars and putteedars instead of farmers, as have at any time since our last acquisition of this country, by its cession to the company in 1775, held possession by way of farm or otherwise of the villages or lands to which they thus claim hereditary right, and in the enclosed papers you will find it ordered that whenever such native proprietary claimants approved and agreed to the due assessment of revenue on their lands apportioned to the sudder jumma to be paid by them to the amil, and gave also good security, they were to have possession in preference to farmers. It will therefore be your primary duty to revise the mufussil settlements as made on these principles and under these instructions by the amil, and to correct such deviation as he shall appear to have made in unduly excluding the proprietors in favour of farmers, or in over or under-assessing any part of his amildary.

In respect to Karendah a ten years' settlement is to be made separately of each talooka, zemindaree, or puttee therein, on the principles laid down in the instructions already issued to Ameer Singh, the present amanee amil or collector there, of which a copy is enclosed, and the heads are also contained in the enclosed English transcript of the first form of similar instructions issued to the amanee amils at Ghazipore, of which the Governor-General in Council having approved, as far as regards the ten years' settlement now to be made, you will therefore adhere to the rules therein laid down, or

adopting the spirit of them as far as you find them applicable to the state of Karendah, you will advise me of any alterations you may think to the advantage of the country or of Government. I enclose in English, Persian, and Nagree a form of the cabooleat to be entered into by the village zemindars and putteedars, and when you have made an estimate of the settlement that can be made you will report it to me, and after I shall have approved of it, you will cause the zemindars and putteedars to enter into their cabooleat accordingly, upon which they shall receive ten years' puttas to the same effect under the Rajahs' and my signature, which will be sent to you to distribute.

The instructions and regulations contained in the enclosures are founded on and are meant to apply to and promote the known intention of Government to effect a permanent settlement of the province, including Benares also as far as might be practicable. With this view you will find that I issued the first orders of the 14th June, and on my receipt soon afterwards of the instructions of the Governor-General in Council, expressive of their wish to introduce in a greater or less degree into this country the regulations they had, on the 20th of May, 1789, resolved to adopt for Behar (as per copy thereof herewith transmitted), I issued on the 25th of June the further circular order which you will find addressed to the amils under that date, by which all the mofussil settlements were left to my revisal and confirmation under the conditions therein specified, which you will of course attend to particularly in respect to the indemnification promised to those farmers who may now be dispossessed in favour of hereditary landholders that shall appear to have been by the amils unjustly excluded, and who may have a right to be restored by having held possession as renters or otherwise of the lands they claim any time since the 1st July, 1775, as particularized in my order of the 30th of June last, contained in the enclosed extract marked A, the other marked B, containing the original resolutions above refered to by the Governor-General in Council of the 20th of May, and explanations and amendments made thereto under date the 18th of September last, and, as the 9th article of these amendments, directed the lands without proprietors to be held khas instead of being let to farmers, as was enjoined by the 6th article of the first set of regulations of the 20th of May, I issued this order on the 9th instant as soon as I returned from the Presidency, but it can of course only affect lands under that description not let to farmers at the time of the alterations being published.

Several other parts of the Board's amendments and amplifications of their instructions to the Behar Collectors are quite inapplicable to the state of this country, as for instance the questions relative to the tolls and duties on bazars and gunjes, &c.; but I have furnished you with complete copies of the whole in the paper of extracts marked B, that you may adopt the letter and spirit of each part of them as far as possible.

Besides the immediate duty relative to the settlement, as above pointed out, you will, while you reside in the pergunnah where you are deputed to inquire into, redress any ordinary revenue complaints that may be preferred to you, and such others as I may hereafter refer to you, advising me of the particulars of any complaints or occurrences which from their magnitude and importance you may think necessary to leave open to any further instructions.

Although I do not wish you to interfere in the details of the collections so as in any degree to weaken the local collecting authority, yet, while you are on the spot, you will take care and if necessary interfere so as to secure the current collections for the Government revenue.

I enclose orders to the amils advising them of your deputation, and requiring their implicit obedience to your orders, and I remain, &c.

The following is the form of cabooleeuts referred to in the above instructions to Mr. Neave, relative to the ten years' settlement of Karendah.

Form of cabooleeut.

I zemindar (talookdar or putteedar of ——the————proportion) of the village talooka, or the putteedaree in the tuppeh of——and pergunnah of——— in the sircar of———

Whereas in view to my welfare, and to promote the prosperity of the country and community at large, a fixed settlement has been made with me by order of the sircar at the jumma and kistbundee contained in the zeyl or undermentioned statement for ten years certain at the yearly jumma of———for 1197 and of——— for the following nine years on the stipulation that the profit and loss thereof shall be entirely mine, and that, exclusive of what is here stipulated, I shall have nothing more on any pretence to pay. I do, therefore, of my own free will and consent hereby agree, that I will from Koar to Jeyt, inclusive, pay the said jumma or revenue to Government, kist by kist and year by year for the said ten years, according to the kistbundee, and the profit from additional cultivation in that time is my own, and Government has nothing to do therewith nor any claim therein, and if (which God forbid) I fail in the regular and due payment of my revenue in any kist or year and become in balance, let my zemindaree (puttee or talooka) be immediately sold by public *outcry or auction*, together with my effects, as far as may be necessary for the complete liquidation of the just claim of the sircar, concerning which neither I nor my heirs have or shall have any ground of complaint, and my rights, whether in the lands or effects, will then devolve to the purchaser, and neither I nor my heirs shall retain any claim to the said zemindaree, puttee, or talooka, or effects whatever.

I agree not to resume or interfere with my maafee mujraq, kishnarpun, or other free land, held by the occupants up to the end of the year 1195 fuslee, without the order of Government, nor shall I make any new grants but under that sanction ; and should Government make any such resumptions, I will pay the due revenue thereon in addition to the present specified jumma. If I make any new grants of lakhiraj lands let them be confiscated by Government, and the grantee possessing be obliged to pay a fine double the rents thereof during the period of their alienation.

I stipulate and give in writing that I shall keep the ryots satisfied and contented with my conduct ; I will collect the revenue according to the hookemnamah or regulations of the 25th June, 1788 ; and the measurements of the nukdee or ready-money land producing koyraur (opium and vegetables) and sugar-cane, and other articles of the khareef or rubbee harvest, as specified, for one or two harvests from goend (land near the village) meeana (land situated further off) pals (or land at a great distance from the village), according to the first, second, and third kind thereof, shall not be made by any other net or rod than one of the length of three Derah Illahee (which shall be equal in length to the standard net or rod sent from the sudder cutcherry under an English seal, and deposited in charge of the canoongoes of the pergunnah), nor shall any beegah consist of less than 20 cottahs.

The rate of nukdee, or revenue lands paying ready money, shall be that of 1187 fuslee, including and incorporating therewith the abwab of that year as the same has been ascertained, so that now the rate of the revenue being fixed, it is to be taken without abwab, bilmukta, or in one sum or rate per beegah, nor shall any abwab be in any respect demanded over and above the said jumma.

The batai revenue lands being also measured by the same rod, and the produce thereof being ascertained by the mode termed kunkoot, through the means of salesmen or arbitrators, and the canoongoes, in the manner directed by the rajeal mulk or custom of the country, the same shall be divided and taken according to fairness and justice, and besides that nothing more shall be taken.

The nirk or rate of value to be put on the grain of the khareef harvest shall be fixed in the month of Maug and that of the rubbee crops in the month of Jeyt, accord-

ing to the current market price of the pergunnah, which shall be ascertained for the respective seasons of the khareef and rubbee harvests, and fixed on at the presence, and thereby the ryots betaie accounts shall be settled.

I do therefore promise and give in writing that I will take from the ryots the mal or assil and abwab in a united collection according to the rates thereof as they stood up to the fuslee year 1187: nor will I in any respect make undue demands of anything above that assil with its abwab, or make use of any other net or measuring rod excepting that specified in the above regulations, and if I do I shall be punishable by Government, and pay whatever fine shall be required of me. Whereas by the rules and regulations enjoined by the hukemnamah of the 25th of June, 1788, the rates of 1187 are to be charged on the same extent of land as in 1187. I do therefore stipulate that in comparing and adjusting the difference or kusraut between the present net of three Dorah Ilahi and the former net, I will fairly and honestly bring the same to account to the specification of such difference which is endorsed for my village on this head; and whatever difference arose to the ryots from the moars or loops of the former measuring ropes is now given up to them, and I will never take from the ryots the additional kusraut on that account. The revenue rendered lawful and appointed by the pottahs and hukemnamah I shall take, and I will give receipts for every payment made by every ryot; and any person complaining that a receipt has been refused him, upon establishing the charge, shall be entitled to double the amount paid by him as damages from the person who received it, neither shall I raise the loss occasioned by any of my ryots running away from those who remain under a penalty of twice the amount so raised, and I am so to exert myself that the cultivation in the village shall appear more than formerly. I agree also to admit the canoongoes who have been appointed by Government to keep counter-accounts of my receipts, and shall in no respect keep anything hidden from them, and will deliver to the canoongoes the accounts of the lands in the village, and as all the sayerjehant, or duties including khaneh-shumary or ghur dewary and abkary or kulwary and khurgy and rahdary, &c., have been abolished since the year 1195; I am not to collect anything on these accounts, and if the same be proved on me, I shall pay a sum of three times the amount. I shall not harbour or suffer thieves or robbers in my limits, and shall they anywhere be ascertained to be therein, I will apprehend and deliver them up; and if (which God forbid) the property of any one be plundered or stolen, I will discover the thieves with the property, and return the goods to the owner, and send the thieves or murderers through the sudder cutcherry to the presence to be tried; and if I cannot discover the property and robber, I will, without plea or excuse, consider it as incumbent on me to make good the loss; and if in my limits any murder or affray take place between the ryots, or that any one kill another, or that robbery or night-murder occur, I will send the actors in such affray or the murderers to the cutcherry of the pergunnah with sooruthal, or statement of the circumstances, under the seal of the kazee and attestations of the canoongoes. I will regularly obey all the summonses and orders of Government, and in case of any resistance to its authority, I am to forfeit my zemindaree rights as for rebellion.

The pottahs (to be signed by the Rajah and the Resident) being merely counterparts of the above, need not be here separately translated.

Rapidity of Mr. Duncan's settlement proceedings.

Mr. Duncan himself left Benares on the 25th of November, 1789. Some idea may be formed of the rapidity of his settlement proceedings from the fact that on the 30th of the month he wrote to Lord Cornwallis announcing his arrival at Jounpore, and reporting that on his way there he had completed the settlement of two pergunnahs.

Completion of settlement of Jounpore and report thereon to Government.

In December he completed his settlement of Jounpore for four years, and reported his operations to Government in the following letter;—

"I think it will prove acceptable to your Lordship to be informed that I am proceeding thus far acceptably in the

business of my circuit. I have since my letter of the 30th of last month been able to effect the completion of the scrutiny. I proposed in Sheo Lal Doobey's four years' settlement of Jounpore proper and its dependencies, in which are included Anglee, Raree, Singramow, and the villages distinguished by the appellation of Kircialdost and Mehra. All the pottahs for that extensive division of the country have been issued under the amil's seal and under my initials, and an English number which render them equally binding as if signed by me only. At the same time that being also under the amil's seal, his authority and responsibility remain unimpaired as far as concerns any useful purpose for the remainder of his lease.

There is this difference in the mode of issuing the deeds of the four and ten years' settlements that the pottahs for the latter are signed by the Rajah and under his seal, and countersigned by me with my name and official designation at full length, whereas the four years' settlements consisting of an ascertainment and regular distribution of the funds for the collection of the four years that remain to elapse of the five years' leases, and the pottahs thereon being to preserve the former amil's responsibility, are all issued under his seal (as above specified). The Rajah does not attest these last-mentioned deeds, which are none the less authenticated by me in the method above described, and separately delivered from my own hand as well as the ten years' pottahs to the zemindars and farmers, of which last description of renters there are as few as possible (as the particular account of the settlement hereafter to be submitted will show), and as far as I can yet judge from the progress I have made, I can see no objection to the four years' jumma of the four years' settlement being for the most part (excepting only a few decayed districts under particular circumstances which I can hereafter point out) declared permanent to the landholders (as originally proposed in my address of the 2nd of October last) for the six following years, which will constitute a ten years' settlement for all the zemindaree of Benares in like manner as is intended for Behar and Bengal.

Having from the first had in view this conversion of the four into a ten years' permanent jumma, I have been and I shall continue equally solicitous in the one as in the other instance to render the assessment now making on each landholder as equitable and as equal as possible, to promote which I have taken and shall take from the canoon goes of each pergunnah engagements binding them under sanctions equal to an oath to deliver the true accounts to the best of their knowledge of the last ten years' tashkhees or mofussil assessment in each pergunnah or mehal; and 2ndly, that they shall conscientiously discharge the duty incumbent on them to propose just distributions among the present landholders of the component part and proportions, both of the ten or the four years' jumma, and for your lordship's further information on this very important part of the subject, I enclose in the voucher No. 1 the form of the third engagements which the canoongoes are thus successively for each pargana to enter into, from which precautions, aided by my own personal inscription and immediate influence in the detail of each settlement, I am inclined to indulge the hope that no very great error or inequality can be committed and happen in this new general assessment, which may I trust in a great measure long preserve this country, and secure at least in a great degree the right properties and happiness of its inhabitants. And still further, to insure as far as in me lies the great advantages comprehended in the present benign system of Government, I have taken and shall take from the amils an engagement (as copies in the voucher No. 1) equally solemn as that from the canoongoes, restraining them from extorting, collecting, or accepting any sum of money or other valuable consideration over and above what is expressed in the settlement, the pottahs of which are under my signature, and the minuter particulars of which are and will be registered in English, and hereafter transmitted to Government. To obtain their last sanction, the few amils I have yet had occasion to require this last from (*viz.*, Juggut Singh and Sheo Lall Doobey, the two principal in the zemindaree) was a matter of some difficulty, and seeing the proposed engagement was not to be evaded by any of the common subterfuges of an amil, they did not scruple on this occasion to confess what is well known to exist in a

greater or less degree all over India; that there were or had been certain emoluments, such as festival gifts, &c., attached to their stations under the undefined heads of bhet, &c., which they expressed (or intimated) served at least to maintain and pay part of their numerous relations and servants which the inferior renters, such as village zemindars and farmers and others, did not view in the light of any hardship or over-exaction; but however true this may be, I consider it as essential and indispensable to the good government of our Indian territories to have every part of the revenue collections from the country reduced to the greatest certainty and clearness, neither of which objects have, I fear, been yet thoroughly attained; and therefore I think it the more important to submit thus early to your lordship's consideration the measures I am pursuing towards accomplishing an object which appears to me so desirable; that the spirit of the regulations may be applied if still anywhere necessary throughout the province.

The difficulty arising from the want of zemindars within the description of the Government regulation, which I had occasion to mention in my late address of the 23rd ultimo exists but in a very small degree, not exceeding a hundred in Jounpur and its dependencies, and of course the settlement concluded there for four years may justly be considered as a zemindaree one. The principal difficulty I found was to adjust the sundry disputed claims to the lands as a very strong competition existed, and in many instances between the partners in the same village as to their respective claims, or between claimants of opposite families in the same village, and in all cases I have been guided by one general and uniform rule, *viz.*, to admit those zemindars or putteedars who have a long time held possession, since our last acquisition of the country of Benares in 1775, as directed by your lordship's orders, and to leave those who possess only claims antecedent to that period to seek redress by instituting their suits in the Moolkee Dewany Adawlut, in which alone all such cases and all rights of property whatsoever throughout the mufussil are in the first instance to be decided, as from the nature of the case I am obliged in my present circuit to pass orders in a summary manner in disputes of this nature. I have taken pains to explain to the natives, and to have fully understood by them that the new pottahs are only meant to fix the rental, and constitute no bar to any of their rights of property, for that they may still prosecute these last in the court of justice as if no such pottahs had been granted; to which effect I have also clearly instructed the judges of the Moolkee Adawlut by a public official perwanah, and have taken and shall take from all the present pottah-holders as well as zemindars or farmers a separate engagement in writing, binding them to a ready attendance on and submission to the judicial authority of that court of appeals in all such claims; but I have at the same time positively prohibited the amil from making any alterations in the pottahs now issued and about to be granted, except upon orders issued by me in consequence of such judgment passed in the Moolkee Dewany Adawlut, the decisions of which can only charge the landholders or farmers, but cannot effect the Government rental. Thus I conceive every precaution possible has been taken relative to this part of the bandobust.

When the settlement of Benares shall be completed on the plan above noticed, the four years' amils will in fact be reduced as much to the standing of mere collectors as those under the leases for ten years, with this difference, however, in their favour that in proportion as the aggregate of what may turn out, the ascertained mofussil settlement shall exceed the sudder one (as fixed last year for each pergunnah and mehal), the net profits and advantages of these four years farming amils perhaps in certain places be somewhat greater than may be this year with fuller information than we possessed, and under happier circumstances of seasons and conduct than at that time existed, thought necessary to be fixed to be expended in charges of the establishment for collections of the ten years' bandobust. However, should the result of the settlement show this to be the case, it can never constitute any just subject of regret to Government, and when the term of the leases is expired, it will of course rest with it or with the Rajah to resume what proportion may be thought fit for the Government or Rajah to resume. On

the whole, however, I have still the greater reason to be sure that the settlement I made last year was fully equal, and in some places were beyond the local ability of the mehal, which few cases of hardship (as far as they shall hereafter be fully verified in the course of my present year's progress) must, as a matter of course, and also in true policy be corrected, the limited effects of which amendments it shall however be my study to prevent proving any loss to the Hon'ble Company, as may, I trust, be safely ensured by small additions to the assessment in a few places that under the present form of settlement bear them.

I might have deferred these explanations till after the settlement had been completed, but as the subject is altogether of so much importance, and as I wish entirely to conform myself to the system that may be in all respects deemed preferable by Government, I think it better to submit this early communication of my proceedings, that I may obtain thereon such further instructions as may appear necessary.

In Jalhoopoor pergunnah only two village zemindars ever had been granted leases by the Rajah after 1775.

In the course of the settlement operations of the cold season, Mr. Duncan ascertained that in the pergunnah of Jalhoopoor in the Benares district, which has an area of 27,000 acres, only two of the village zemindars had ever been granted leases by the Rajah after 1775; and consequently that in the whole pergunnah there were only two men with whom, under the Government orders of April, 1788, a settlement could be made.

Correspondence regarding this case between Resident, the Rajah, and the Governor-General.

The case was referred to Calcutta. The reply of the Governor-General in Council, the reference of Mr. Duncan to the Rajah, the Rajah's reply, Mr. Duncan's rejoinder, and Mr. Duncan's report to the Governor-General, are as follows :—

Letter from Government to Mr. Duncan.

Letter from Government to the Resident.

" I am directed to acknowledge the receipt of your letters of the 23rd and 30th ultimo, with the enclosure in the former, and to acquaint you that the Governor-General in Council has been pleased to approve of your having reinstated Sheo Laul and Bulraji in the possession of their zemindaries; and as it appears to His Lordship in Council that the restoration of the village zemindars generally would contribute greatly to the prosperity of the country, and ultimately tend to the benefit of the Rajah, he has accordingly been pleased to authorize you to reinstate the remaining zemindars in Jhaloopoor, as also the village zemindars in any of the other districts who were dispossessed previous to the 1st July, 1775, provided that the Rajah shall acquiesce in the measure.

" I am further directed by His Lordship in Council to inform you that should any person, dispossessed of his lands antecedent to the above date, claim restoration thereto as a matter of right, you are to respect such claim agreeable to the orders transmitted to you on the 11th April, 1788; and that you are not to reinstate any zemindars dispossessed of his lands previous to the 1st July, 1775, without the consent of the Rajah."

Mr. Duncan's reference to the Rajah.

Resident's letter to the Rajah.

" In respect to this that you are ready and without objection in regard to the forwarding of the business of the settlement according to the institution and wish of the Right Hon'ble the Governor-General, the gentlemen of the Government of the capital of Calcutta are highly satisfied, and will continue so; and as Government desire to pay due attention to your opinion and sentiments in matters that concern the revenue, therefore conceiving that the restoration of the zemindars was not pleasing to you, the Government did some time ago, *viz.*, on the 11th of April, 1788, issue an order that those old zemindars, who had been dispossessed before the 1st of July, 1775, should not be reinstated, a copy of which order or regulation I then transmitted to you, and a clause in reference and conformity thereto was inserted in the orders issued for the settlement of the current year. But as on the beginning of the current year's settlement it appeared, on proceeding to

that of Jhaloopoor (as is well known to Sookh Laul, your Mutsudee), that exclusive of two persons, all the other village zemindars of that mehal had not held possession within the period limited by the regulation thereof. That mehal still remains kutcha or unsettled, as hath fully been reported to the Governor-General in Council, with a proposal or question as to what might be ordered in respect to the restoration of the village zemindars who are not within the limitation, because it appeared to me that your objection to the restoration of the zemindars lay principally against the Goshwara zemindars, or those holding pergunnahs, and not against the zemindars of the villages.

"In answer to my query the Government order from the capital of Calcutta hath issued, under date the 23rd of December, 1789, that as it appears to His Lordship in Council that the restoration of the village zemindars generally would contribute greatly to the prosperity of the country, which must in every respect tend to your public and private advantage, His Lordship in Council has therefore been pleased to authorize me, if you agree thereto, to restore the remaining village zemindars of Jhaloopoor, as also the village zemindars in any of the other districts, who were dispossessed previous to the 1st July, 1775, in such manner that should any person dispossessed of his lands antecedent to the above date claim restoration thereto as a matter of right, such right not in fact remaining after such an lapse of years, the claims thereon founded are, according to the former orders of the 11th April, 1788, to be rejected, and only to be admitted in such degrees and instances as may appear proper from a reference to, and due consideration of, the circumstances of the cases and of the parties solicitous of being thus reinstated. And that I am not to reinstate any of the said anciently dispossessed zemindars who have remained deprived of their lands ever since the 1st of July, 1775, without your consent. You will, after considering the contents of the above, write an answer that the proceedings thereon may follow accordingly, dated 12th January, 1790."

Letter from the Rajah.

Letter from the Rajah to the Resident.

"I have been honoured by the receipt of your letter of the 12th of January, 1790, purporting in substance that in answer to a query of yours, an order of Government had been issued from Calcutta under date the 23rd of December, 1789, stating that, as in the opinion of His Lordship in Council, the cultivation and improvement of the country would probably be greatly promoted by the restoration of zemindars, therefore if I agree thereto. You, the Resident of Benares, are authorized to restore the village zemindars of the mehal of Jhaloopoor, as well as the other zemindars who were deprived of their lands antecedent to the 1st July, 1775, but that without my consent none of the anciently dispossessed zemindars, as aforesaid, who were displaced before the 1st of July, 1775, shall be raised again to their villages. Whereupon I am desired to consider the contents of the above, and to write an answer.

"My kind sir, I did heretofore relate to you the situation or manner of the settlement of this country in the time of Maharajah Bulwunt Sing (now in Paradise), that the plan of the settlement of the country was not in one way or mode. Wherever he knew it proper to receive the malguzari or revenue from the land of the zemindars he did so, and wherever he knew the zemindars to be wicked desolators, and such men as the revenue would not be effected by, he there made the villages kutcha and took the revenue. In this way hath the country remained cultivated, and no losses accrued in the payment of the revenue. On this plan he carried on the amaldary or management for 60 years. The cultivation daily increased, and the ryots remained also easy and contented, neither did any loss happen in the completion of the Government revenue. You are well acquainted with my entire want of authority for the by-past years. The Naibs were the disposers of all affairs, and every year a new plan took place; and in view to the furtherance of their own interested views, they exerted no due check or control, and the Mutcheeds (or contractors for the revenue) did whatever they pleased. Besides this in several places the zemindars with-

drew the best cultivated spots from the kutcha ryots, and have reduced the *cowl* or stipulated rates of their own cultivation. On this account, in sundry parts of the country deficiency (or diminution of funds) hath happened; and now that a plan for the settlement of the country hath been settled from the Hoozoor or Presence, and that I have been desired to affix my seal and signature to the pottahs, I, being obedient to the Hoozoor, have acted according to order, and accordingly written Hookumnamah or regulation, which is limited to 10 years. In what variety of contentious pleas have not, even within this period, claimants presented petitions to you—all which is well known to you. If the anciently dispossessed zemindars shall be reinstated great difficulties will ensue; and rather than reinstate them, this is better or more advisable,—that if these villages remain kutcha, in this way also cultivation will be promoted, and the kutcha ryots will also remain happy: nor will any loss accrue in effecting the revenue of Government.

"I have represented to you whatever I know to be best according to the customs of this country. In future you are the master and protector. Whatever is thought best at the Hoozoor."

Remarks of the Resident.

"The Resident thinks fit to remark that after his sending the above letter this forenoon, the Rajah (as if he thought he had gone too far in writing it) sent his Mutsuddee, Sookh Laul, in the evening to express that he highly approved of all the settlement that had been made, but that one thing occurred to him, namely, that under the present mode of settlement there might be no occasion for amils, or that only simple collectors, such as had been appointed at Bealsee and Buksheeat might be substituted in lieu of the present more expensive establishment in the other mehals. In answer the Resident observed that he was fully as much inclined as the Rajah to reduce all unnecessary expenses, but that the amils of the far greater part of the country, where four of the five years' leases remained unexpired, could not be removed till that period consistently with their engagements; and that although the Resident had appointed simple collectors to Bealsee and one or two more places, by way of experiment, yet he did not think the country in a state rife for such a measure to be adopted generally, nor would he deem it safe for him to attempt it while the official responsibility for public revenue rested with him, were (which is not yet at all clear) this mode of collection (now for the first time suggested by the Rajah) on the whole anything if at all more economical than the nomination of more collectors; but that when the responsibility for the collections rested again on the Rajah, he of course would be the master to go the cheapest way to work, in which observations Sookh Laul professing to concur, departed."

The following reply was sent to the Rajah's above recorded answer:—

Resident's reply to the Rajah.

"I have this day received your letter, and in consequence none of the village zemindars, who have remained deprived of their lands since the year 1775 shall now be restored. For the rest, in answer to a single question put to you, you have entered into a long detail in the style of complaint; but if you rightly consider, you should ask yourself what advantage it is or can be to the Governor-General in Council, or to the gentlemen in Council, or to me, to interfere in the management. Be sensible, and you will know neither they nor I have any possible good therefrom. You should then next ask yourself what can induce them to take this trouble, but the reflection and fear from their experience of the former times up to the end of 1195 fasli, that similar losses might occur as did that year, as you are well acquainted with, yet they still are very anxious to intrust to you the management, and to me it will be a great relief whenever that day should happen, as well from your then attaining your wishes, as that I shall be relieved both from the present responsibility and constant unremitting labour of doing your business.

"Meanwhile I beg you to recollect that the present mode of settlement is conformable to the plan of that for Behar, and was agreed upon by you in a conversation I

had with you at Commrecha in the presence of Baboo Debee Parshad Singh, and Mr. Grant and others, and afterwards confirmed in a subsequent conversation at Madho Dass' gardens, of which, although there were no written engagements entered into on the subject, your own servants are well acquainted. Your therefore now writing as if your signing and sealing the pottahs was a matter of constraint on you, seems not quite consistent with candour, more especially as you never virtually before this even insinuated as much to me; and as you have been uniformly consulted, and have, as signified either by yourself or by Baboo Sarabjeet Singh, your vakeel, or by Sookh Laul (who always remains in the cutcherry employed in promoting the settlement), uniformly approved of the jumma of all the mehals of which you have hitherto signed and sealed the pottahs, which fortunately are hitherto not many, being no more than Bealsee, Bukhsheeat, Gurwara, Mangra Kopa, and I have now only to request that if you find the least repugnance to sign and seal the pottahs for the remaining mehals, which are to be under a ten years' settlement (and which will bear on the whole but a very small proportion to the whole country), you will freely signify as much, and not do one thing while you think another, for I shall be always better pleased with open opposition from you than with a covert and insincere compliance, and an only apparent conviction."

Mr. Duncan's report to the Governor-General.

Resident's report to the Governor-General.

My Lord,—Having communicated to the Rajah a full translation of the sub-secretary's letter to me of the 3rd of December last, a correspondence has ensued on this subject, of all which I now submit a complete copy in English.

To account for my suggestion that the Rajah might probably acquiesce in the restoration of the zemindars dispossessed prior to the cession of the sovereignty of Benares to the Honourable Company, I can assure Your Lordship that such an idea was expressed to me in conversation by Baboo Sarabjeet Singh, the Rajah's uncle, and one of his principal and most confidential advisers. I therefore had little doubt but that the Rajah's opinion was either the same, or would be of course formed on what appeared to be his said relation's, but in this I have been mistaken.

Further, to discuss in this place the merits of the Rajah's remarks were needless, as he has himself retraced or done away whatever appeared to me to require explanation. I shall only therefore add that in respect to what he mentioned as to the zemindars of villages having reduced the rental by lowering the rates of different spots, the cultivation of which they have taken into their own hands, there is, I believe, considerable foundation for that remark, and the public rental has been perhaps still further and more materially injured by Brahmins (whether zemindars or mere cultivators) having in many places, since Cheyte Singh's expulsion, possessed themselves of the produce in lands that had been cultivated by ryots of the denomination of Koonby and other castes, who pay in general nearly double the rates that are by the custom of this country demandable from Brahmins, by which Government has sustained real prejudice, the more serious as from inveterate habits and prejudices the evil admits but of a very gradual cure. Since these Brahmins can neither be dispossessed, nor more than their own rates be required of them, as on the smallest attempt to exert coercion over them they are always ready with knives and razors to lacerate their own bodies, and (except in very uncommon instances) no Hindoo will voluntarily run the risk of being considered as the cause of a Brahmin's blood being shed, and far less of occasioning death, although that extremity be indeed but seldom attempted or even meditated to be resorted to by these holy jugglers, who by thus playing off the artifices of their tribe, and availing themselves of the general *revenue* for it, have long set themselves above law, right, and the Magistrate; and to such a degree has this practice prevailed that the numbers of scars on a Brahmin's body (and many there are thus marked) is with the more reflecting part of the natives a criterion to judge of the respective degrees of malignity and artifice in their several dispositions.

As a knowledge of the customs and manners of the people must at all times be useful to every government, and many of the peculiarities prevalent in these respects in this country have not, I believe, before been officially communicated, I think Your Lordship will not disapprove of my thus occasionally noticing such characteristic traits and prejudices as more materially affect the equal administration of Your Lordship's Government in this country.

Acquiescence of Rajah to restoration of village zemindars mentioned in Regulation II. of 1795

In Section XII. of Regulation II., 1795, mention is made that Rajah Maheepnarain "subsequently acquiesced in the restoration of the numerous class of village zemindars who had been dispossessed, and reduced to the situation of cultivating ryots during the administration of Rajah Bulwunt Singh and Rajah Cheyte Singh." This concurrence of the Rajah is also alluded to in the 5th clause, section III. of Regulation I., 1795. I have been unable to find in Mr. Duncan's correspondence any notice of this concession of the Rajah, and am inclined to think that it was understood by Government as implied in the Rajah's general consent, given in 1794, to the introduction of the regulation system into Benares.

Not noticed in Mr. Duncan's correspondence.

Excluded zemindars permitted to claim possession after death of farmers.

The permission, whenever granted, was too late to effect the settlement in its first formation, but in accordance with it excluded zemindars were permitted to claim possession of estates farmed to strangers after the death of the farmer.

Case of hundreds of excluded shareholders not redressed

The more common case in which a few of the share-holders of an estate were admitted to a zemindaree settlement, because they had received leases from the Rajahs, while hundreds of other shareholders were excluded from settlement, because they happened never to have received leases, was not redressed by this tardy concession of the Rajah.

Mr. Neave's settlements in Ghazeepoor.

In the Ghazeepoor district Mr. Neave, the senior assistant, during the cold season of 1789-90, made a ten years' settlement of pergunnahs Kurenda, Ghazeepoor, and Mahomadabad, and a four years' settlement of Zumania and Chowsa.

Mr. Treves' settlements.

Mr. Treves, the junior assistant, settled Kopachit for ten years, and Zahoorabad, Puchotur, Shadeabad, Bareh, *Mahaitch* for four years.

Amils' settlements.

The settlement of Bulliah, Gurha, Dehma, Khereed, and Sekunderpoor seem to have been made by the amils, and subsequently revised by Mr. Duncan.

Further orders by Mr Duncan

While their work was in progress, some additional orders of importance were issued by Mr. Duncan on the 22nd of December, 1789. He ordered, *first*,—that prior to the formation of the settlement of each pergunnah, canoongoes should furnish a statement for ten years from 1187 fasli to 1197 fasli, showing for every estate of the purgunnah the total of revenue and cesses payable for every year of the period, and they were to sign a solemn declaration that they had in their statements neither concealed nor misstated anything. This ten years' statement is still known and spoken of in the province as the "Doul Dussunneh."

Secondly,—That after the conclusion of the settlement of a pergunnah the canoongoe should make a solemn written declaration, that they know of no undue favour or severity in the assessments made, and that they had been based upon the rates prevalent in 1187 fasli (the last year of Cheyte Singh), as applied to the present cultivation, *with a reasonable surplus left to the zemindar or farmer.*

This second writing was to be signed after the conclusion of the settlement, but the canoongoes were to be apprized of it before they gave in their statements of village assets, so as to be on their guard against deviation from the truth.

Thirdly,—After the conclusion of the settlement of a pergunnah, the amils were to be required to give a solemn declaration that they would neither extort nor receive any sum under any pretext whatever in excess of the amount of revenue specified in the lease or pottah of each zemindar, farmer, or shareholder, which had been signed and stated by themselves, and the English Settlement Officer.

Mr. Duncan requested Settlement Officers to submit comparative statement of area and assessment in 1187 and 1197.

On the 12th of January Mr. Duncan requested the Settlement Officers, when submitting their reports, to preface them, whenever it was possible, with a statement showing the cultivated area, and the assessment in 1187 fasli, compared with those of 1197 fasli.

Mr. Treve's report of little interest.

Waste condition of Puchotur.

The reports furnished by Mr. Treves, the junior assistant, contain little of interest. He notices the waste condition of Puchotur, the large number of villages of which the owners had fled from their homes, and which were therefore left in the hands of the amil, Baboo Roop Singh. In Shadeabad he notices the rapid progress of cultivation which had been made through the exertions of the amil, who in a year had brought 2,886 begahs of land into cultivation, and had built 16 masonry wells. He found in the commencement of his work that it was very difficult to induce zemindars to accept leases of their villages at fixed cash rents, and proposed that either the lands of the refractory zemindars should be leased to strangers, or that the old system of grain rents should be maintained.

Progress of cultivation in Shadeabad.

Zemindars very reluctant to accept leases at fixed money rents.

Mr. Duncan's determination to adhere to a money-settlement in all cases.

Mr. Duncan's reply shows his fixed determination to make in all cases money-settlements, and not to permit the permanent exclusion of zemindars from their estates, either on account of their own folly, or through the impatience of the Settlement Officers.

Settlement reports of Mr Neave.

The English settlement reports of Mr. Neave, the senior assistant, were generally accompanied with the following statements :—

1. A statement of the settlement in Persian.

2. Details of rent-free lands (these were not given by Mr. Treves) in Persian.

3. The declaration of the canoongoes as to the former and present settlement in Persian.

4. The declaration of the amils to abide by the revenues fixed in Persian.

5. An English list of the leases issued, with the names of the lessees, estates, and the amount of revenue fixed.

Approximate census asked for by Government from Mr. Duncan.

Mr. Duncan had been asked by Government to furnish an approximate census of the Benares provinces. In compliance with this request, Mr. Neave made an attempt to ascertain the population of his pergunnahs. Of Mahomdebad, which in 1864 contained 130,482, and in 1872, 126,113 persons; he computed the population at 42,000. Of Kurrenda, which in 1864 contained 28,506 persons, he computed the population at 17,500.

Mr. Neave's calculation of lessees' profits.

In pergunnah Kurenda Mr. Neave estimated the average percentage of profits to village lessees in the ten years preceding his settlement at Re. 1-15-6 per Rs. 100. His reasons for estimating this as the average percentage of profits were, however, somewhat weak. He assumed that the "moafea mamoolee," or customary remissions made by the amil, were the sole profits of the leaseholder, which assumption was improbable and unproved.

In Kurenda no zemindar willing to take lease at cash payments.

In many villages in pergunnah Kurenda no zemindar could be found willing to take a lease at a cash rent. The people were accustomed to grain rents, and would not give them up. Mr. Neave accordingly took from the zemindars a deed of resignation of their villages, and he appointed as lessees farmers whom he styled surbarakars

He proposed to place the excluded zemindars on the footing of ordinary cultivators. Mr. Duncan, however, ruled that according to the old custom of the country they were entitled to hold their seer land at favourable rates. It is worthy of remark that the representatives of the surburakars have in some cases become recognized as land-owners, and have reduced the actual owners to the position of cultivators, but this was not in accordance with Mr. Duncan's intention or expectation, as appears from the following extract from his letter to Mr. Neave:—

Mr. Duncan ruled that excluded zemindars were entitled to hold their "seer" land at favourable rates.

"I could have wished that there had not been occasion for surburakarees, but as I have however no doubt of your having found it indispensably necessary, I mean not to object to them; understanding them to be in the nature of managers chosen by the zemindars, and also a substitute to Government, while they remain on good terms with their principals; but that should differences ensue they must, from the nature of the thing, be liable to removal in the course of the ten years at the discretion of the ruling power for the time being, on Government's previously seeing them indemnified for any outlay or advances they may have made with payment of the revenue. This observation need not, unless you deem it necessary, be formally notified to the parties under the predicament I allude to, because it is, in my opinion, of itself sufficiently obvious, and results from the nature of their situations as employed at the request of the zemindars, and I only here notice it, that the idea on which their admission is sanctioned may remain on record, and be clearly understood in time to come.

His letter to Mr. Neave.

"The allowance to the excluded zemindars must be a matter of future consideration; *meanwhile they will as usual be allowed their own seer* nij jote, *or the lands they themselves personally cultivate, which are, I believe, always let at more moderate rates than the other lands.*

In Mr. Duncan's letter a principle is inculcated of the very greatest importance, but one originally disregarded in the formation of the permanent settlement, *viz.*, that the lessees should be as numerous as possible. The extract from his letter is as follows:—

Important principle inculcated of numerous leaseholders.

"As a general rule it is to be considered a very desirable object to have as many zemindars and putteedars and as few farmers as possible; and secondly, that it is equally and even a still greater object that every zemindary or talookdary should be sub-divided as far as there are distinct shares and proprietors; and that one proprietor shall not (as far as may be) find means to include in his tenure and cabooleat the distinct shares of his younger or less considerable brethren, for the smaller the engagements, and the less considerable the landholders, the more we secure the interior peace of the country and a ready obedience to Government, which of course comprehends the due payment of the revenue,—all which ends are obstructed by great and turbulent landholders, who in this part of the country appear, for the most part, to have become so by nothing else than usurpation over their brethren. I need hardly add that where the lands are undivided, all the names of the partners should be inserted in their engagements with Government."

His letter.

Mr. Neave's Mahomdabad settlement report shows conclusively the want of wisdom in Government declaring a settlement permanent, which was made at a time when the country was so thinly populated, and to so great an extent uncultivated. He wrote as follows:—

Settlement made permanent unwisely by Government

In a thinly populated and uncultivated country.

"The value of the pergunnah is not to be estimated solely by the settlement: the quantity of waste land in it of excellent quality renders it a worthy object of future consideration. The unproductive begahs must now remain in their rude state of

nature till some mode be adopted to multiply the population. To the want of ryots you may attribute the small increase that hath been made in the settlement from the present Fuslee year 1197."

In this pergunnah now are 28,000 inhabited houses.

Mr. Neave's estimate of population only 42,000.

It is worthy of remark that in this pergunnah there are now more than 28,000 inhabited houses, while in Mr. Neave's estimate the total population was only 42,000. Mr. Neave made in his report an original and sensible suggestion, that holders of revenue-free land should, in lieu of their lands, held on an uncertain tenure, liable to investigation, and in many cases to resumption, receive equivalent grants of waste land revenue-free under Government grants, but liable to resumption for murder and rebellion, hereditable but transferable only with the sanction of Government. He says,—"I think the majority of the claimants would prefer a certain though inferior tenure to a more profitable but doubtful one."

Mr. Neave's suggestions regarding holders of revenue free lands.

Mr Treve's settlements proved better than those of Mr Neave.

Although the reports of Mr. Treves were inferior to those of Mr. Neave, yet his settlements stood better the test of time: none of them broke down from over-assessment; while on the other hand, Mr. Neave's settlements of Zumania and Chowsa after a few years completely failed, and extensive reductions of the Government revenue were necessary.

Full revenue for 1197 Fuslee realized.

After the close of the year 1197 Fuslee, Mr. Duncan had the satisfaction of reporting to Government that on the 5th of November, 1790, "the full revenue to which the Hon'ble Company is entitled, according to the terms of the settlement for the term of the Rajah's life, by the late Governor-General has been realized with due regularity and without any hardship or difficulty." He adds—"I have further the pleasure to assure your Lordship that I experience the heartfelt satisfaction of believing the country to be in a promising progress of improvement."

Improvement of country progressing.

Revenue administration of 1198 *Fuslee.*

Rajah applies for restoration to the management of affairs.

The Rajah, who, so long as the revenue received by Mr. Duncan was less than the full amount due to Government, was willing that the administration should remain in Mr. Duncan's hands, finding that a surplus might be expected, became anxious for restoration to power. In the following letter of the 5th December, 1790, he asked that either the administration should be made over to him or that the "mushahira" that is, the salary of the Rajah and his dependents which Warren Hastings in his settlement had estimated at Rs. 6,30,401 should be restored to him, "Having made offer of the duties and respects which are becoming those who are sincere and steady in their attachments, I beg leave to state that having learnt from Mr. Duncan of your Lordship's intended departure for Madras, my mind has become greatly anxious on that account.

Or that his mushahira should be restored, as estimated by Warren Hastings.

Rajah's letter to the Governor-General's, stating that he had paid all his revenue and was entitled to his mushahira.

"As I am firm in my attachment and reliance and have been raised up and provided for by Government, I have in all respects a confidence that my advantage will be effected by your Lordship. The gentleman abovenamed is in every respect my superior and disposer, and as he is now proceeding towards you it is certain that he will relate to your Lordship fully all that concerns me. I am therefore confident that in your protecting favour and kindness the said gentleman may receive directions or instructions for my advantage.

"I am raised beyond the creature of the Hon'ble English Company, whereas in the Fuslee year 1189, Governor Hastings did, at the time of raising me up to the zemindaree of the Rajah of Benares, &c., settle a mushahira on me, and specify and enter the same in the pottah, all which is well known, and I have from first to last continued ready in my

obedience, and whilst the concerns of the country remained in my charge, under your Lordship's auspices, I paid and made good the Government malgoozaree or revenue, and now also, should they be committed to me, I am ready, in respect to the malgoozaree; but in case the carrying on of the business of the country shall depend on the office of the Hoozoor (or Resident) I am hopeful in your favour that my mushahira may be allowed by Government, and in like manner, as through the kindness and grants of the Hon'ble English Company all Rajahs and zemindars do receive the same, I am hopeful for the Government patronage."

This letter was forwarded by Mr. Duncan with the following:—

Mr Duncan's remarks thereon

"When I was just about leaving Benares on the 27th ultimo, the Rajah visited me and put into my hands an address to your Lordship, with an enclosure of both which I have now the honour of submitting translations. In respect to the Rajah's restoration (therein suggested) to the management of the country, I am convinced that Government is perfectly satisfied that I have not a wish on that subject, but will cheerfully conform to whatever may be its judgment.

"As to the Rajah's request for the full mushahira specified in his pottah, I beg leave to refer to what is already contained in my address of the 26th of April, 1789."

Reply of Government.

The Government's reply was as follows:—"On the above letter and enclosed address from the Rajah of Benares, the Board remark that the assertion of the Rajah of his having duly paid his revenue whilst he had the management of the collections is not altogether well-founded, since (as will appear from the Resident's letter of the 26th April, 1791,) a heavy and very alarming arrear was incurred at the end of 1195 Fuslee, the only year in which the Rajah acted as uncontrolled manager, to supply the deficiency arising from which, in the Company's rental of that year, the Resident was obliged to adopt the various expedients pointed out in his address aforesaid, and to consent to burthen the country by an anticipation of part of the future year's revenue, some part of which burthen yet remains on it.

Heavy arrears occurred when Rajah was manager.

Board cannot admit Rajah's claims.

The Board cannot therefore admit that the Rajah has any just ground to claim future credit from his former success; besides, as the measures which have since been pursued for restoring the prosperity of the country are yet in progress and under state of trial, no determination can be passed on that part of the Rajah's request and suggestion to be reinstated with the management of the country, further than that it must continue till further orders as at present under the Resident; but as government is sincerely desirous in all respects to consult the Rajah's honour, cause, and welfare, and even to gratify his wishes in whatever may appear consistent with the promotion of the advantage of the country (which advantage is in the strictest and truest sense his own), therefore desire the Resident to request him to enter into a full explanation of the funds and resources which he derives from his jagheers, when, if the amount of the income he thence derives shall not appear (as intimated in the Rajah's application) in proportion to that settled on other Rajahs and zemindars, the Board will be willing on the Resident's further report, to make such further arrangements in that respect as the state of the country may appear to admit and as may tend to the Rajah's satisfaction."

Resident to obtain from Rajah explanation of his income from jagheer.

In March, 1791, A. D., Mr. Duncan visited the Ghazeepore district, and took in hand the revision of the settlement of the five eastern pergunnahs, which, unlike the rest of those in the district, were made by the Amils without the supervision of the European Assistants. Pergunnahs Khereed and Sekunderpore were under the administration of the same amil, Shunker Pundit, who had been for a time Naib of the whole province. He was a man of ability and honesty, but Rajah Maheep Narain had a grudge against

Mr Duncan visits Ghazeepore in 1791.

Revision of settlement of eastern pergunnahs.

Shunker Pundit over Khereed and Sekunderpore.

him and used all his influence to prevent his appointment as an amil in 1788. His administration had been very successful, and the country in his charge, which, in 1788, was in a most deplorable condition, Mr. Duncan, in 1791, found already restored to prosperity. In a letter of March the 8th, he writes as follows :—" I may here add that I have experienced no small satisfaction in observing and ascertaining during my present circuit the great progress that has been made within these two years in bringing into cultivation much of this part of the country, *viz.*, the sircar of Ghazeepore, which, when I last passed through it, in the beginning of 1789, was in sundry parts comparatively a desert, particularly the pergunnahs of Khereed and Sekunderpore, the former of which, more especially, has surprised me by exhibiting in various part of it the pleasing contrast of an exceedingly advanced cultivation."

His administration successful.

Mr. Duncan pleased at great improvement in two years.

Some other cases decided by him were interesting and important, Tuppeh Huldee of pergunnah Sekunderpore, had been originally the zemindaree of the Chouburia Rajpoots. It had afterwards been partially conquered by the Bais. Both tribes were dispossessed by Rajah Bulwunt Singh; the representatives of each had held for a year after 1775 A. D.—Mr. Duncan decided that they should each have half of the tuppeh.

Interesting cases decided by Resident.

Chouburia and Bais.

Rajpoots to hold each one-half of tuppeh Huldee.

The zemindaree rights of the adjacent tuppeh Alapoor Sureewan was similarly disputed between the Bais and the Donwar Rajpoots, but as only the Donwars had held leases under the Rajah, Mr. Duncan, in accordance with the rule laid down by Government, only admitted to settlement the Donwars. The leading man of the Bais tribe, Juggurnath Singh, was referred to the Court of Moolkee Adawlut for redress, according to the procedure prescribed by Government.

Tuppeh Alapore Sureewan settled with Donwar Rajpoots.

Juggurnath Singh of the Bais tribe referred to Moolkee Adawlat for redress.

It is difficult to understand how the Civil Court could give redress to parties whose exclusion from property was in accordance with a principle deliberately adopted by the Supreme Government, or what advantage there could be in directing discontented litigants to seek redress in a court where, under the circumstances, the obtaining of redress was impossible. Juggurnath appears to have been of this opinion. He did not resort to the Benares Court, but he became a daring and formidable rebel whose depredations and turbulences embarassed the last year of Mr. Duncan's administration and the first years of the Benares Collectorate.

Court could not decide against rule of Supreme Government.

Juggurnath declines to adopt this course and becomes a rebel.

Khureed contains five tuppehs.

Khureed contains five large tuppehs or sub-divisions, *viz.*:—

Bansdeeh,	the zemindaree	of the Naroulia	Rajpoots,
Reotee	ditto	of the Neckombh	ditto,
Sahutivar	ditto	of the Kinwar	ditto,
Majhose	ditto	of the Bernar	ditto,
Muneer	ditto	of the ditto	ditto.

of which an account is given in the third Chapter of this Memoir, Part I.

With regard to each of these sub-divisions, Mr. Duncan decided cases which are important as showing how conflicting were the claims of landed proprietors, and as indicating some of the causes of the failure of the permanent settlement in cases of estates owned by a numerous body of co-partners.

Causes of failure of permanent settlement in cases of numerous co-partners

For seven villages three claimants.

For the possession of a group of seven villages (Midha, Dhundera, &c ,) there were three claimants.—

1*st.*—One of the Bansdee talookdars.

2*nd.*—One of the Majhose talookdars.

3*rd.*—The local zemindars.

Under the administration of the Rajahs of Benares leases for the villages (which had originally belonged to Bansdeh) had been given to all three of the claimants at various times. Mr. Duncan decided the dispute by making over the village to the local zemindars, who were to pay their revenue through the Bansdeh talookdar, on whom a superior proprietary right was thus conferred.

Rajah had given leases to all three claimants at various times.

Mr Duncan gives villages to local zemindars,

In tuppeh Reotee the talooka of Uggur Sen Singh had been divided more than a century before into three equal shares, which, however, the action of rivers, in taking land before from one and adding to the other, had since rendered unequal. On the formation of the settlement, measurement of the whole talooka was made, without regard to its internal divisions, and the owners of the smallest divisions, when required to pay a third of the whole revenue, naturally demanded a measurement of each, and that the revenue should be proportioned to the size and produce of each. This request, seemingly a reasonable one, was refused, and the zemindars in disgust threw up their leases.

Reotee, the taluka of Uggur Sen Singh, had been divided into three equal shares.

Become unequal by action of the river.

Zemindars of smallest divisions refused to pay equally with those of larger ones; claimed reduction.

And being refused, resigned their lease.

The revenue assessed upon talooka Madho Rai in this tuppeh was Rs. 6,359. The talooka contained two divisions of unequal size and the revenue was equally assessed upon them. The owners of the smaller division claimed a measurement, and a proportionate distribution of the revenue; the owners of the larger talooka objected that the two shares had been distinct for eleven generations, and that during the whole of that time a measurement had never been made, and therefore should not now be made. Mr. Duncan would not grant a measurement, but as the inequalities in the area and productiveness of the divisions was an undisputed fact, he, on the kanoongo's estimate, took Rs. 251 off the annual revenue of one share and added it to the other, and with this arrangement the parties were content.

Mr. Duncan refused measurement of talooka Madho Rai, but took Rs. 251 from revenue of smaller portion and added it to larger.

With which arrangement the parties were satisfied.

In Muneer the assessment of Government revenue was a lump sum upon the whole tuppeh, which contained twenty-one villages. One of the zemindars resigned his holding, because his claim for measurement and an assessment in exact proportion to the capacity of his own share, was refused.

Muneer assessed at a lump sum.
Zemindar of a share resigns consequently on refusal of a measurement and proportionate assessment.

It will hereafter appear that the inequality and indefiniteness of the assessments of revenue produced their inevitable consequence, internal quarrels, and that owing to them the entire tuppeh was sold for balances in 1814 A. D.

Inequality of assessment resulted in sale of tuppah in 1814.

In pergunnah Bulleeah some additional leases were granted by the resident for villages of which the amil had not made the settlement.

Resident granted additional leases in Bulleeah.

In other parts of the province leases were of two kinds—those to zemindars (or owners) and those to farmers. In Bulleeah alone a third class of lease was granted, *viz.*, those to mokuddums, the head-men of villages of which the Rajah of the pergunnah, before his dispossession by the Rajah of Benares, had been the zemindar.

Leases usually of two sorts,—to owners or to farmers.

In Bulleeah a third sort to "mokuddums."

Rules were at the same time issued prohibiting amils from transferring the management of estates from one lease to another without special sanction from the resident. In the case of farmers resigning their leases, the procedure prescribed was, that the amil should take a written deed of resignation from the outgoing farmer and send it with his lease to the resident, who would thereupon endorse it over to another farmer.

Amils prohibited from transferring management of estates without sanction

Farmers required to give written relinquishments.

The whole revenue of the year was again completely realized by the resident before its close. The land revenue stood at Rs. 37,10,269-10-9, being Rs. 1,08,940-11-6 higher than that of 1197 Fuslee. All the provincial charges and the Government fixed revenue were defrayed and a small surplus remained.

Whole revenue again realized by resident more than a lakh over previous year.

Revenue Administration of 1199 *Faslee, or* 1791-92, *A.D.*

The revenue year 1791-92 opened under the most unfortunate auspices. The rains were late and scanty, and if the condition of the country had not been very different from what it was in 1789, a famine, with its usual concomitant, loss of revenue, would have been inevitable.

1199 Fuslee begins under unfortunate auspices.

The year was marked by two most important steps in the formation of the permanent settlement :—

Decennial settlement extended throughout the country.

I.—The extension of the decennial settlement to the whole country.

Settlement to remain unaltered for lives of lessees.

II.—The declaration that the settlement should remain unaltered during the lives of the holders of leases.

Resolution of Government of 11th February, 1791.

On the review of Mr. Duncan's report of November, 1790, on the Revenue Administration of 1197 Fuslee, the following resolution of Government of February 11th, 1791, was transmitted to him:—

"That the four years pottahs be enforced for the ensuing six, so as to reduce the whole to a ten years' settlement, and that assurances be given that as long as they continue to pay their revenue stipulated in *last year's increases*, specified in their several pottahs, they shall not be liable to any further demand during their lives."

Mr. Duncan on the receipt of this resolution took no immediate step, but consulted his most trusted native advisers as to the probable effect of the promulgation of the Government order. His ultimate decision and all the motives which influenced him are given in the following interesting and important minute of the 29th August, 1791:—

Mr. Duncan consults his native advisers before promulgating Government orders.

"The Resident having consulted among others, with Lalla Oomrao Singh, the principal Sarishtadar, on the propriety of publishing that part of the said Resolutions of Government which declares the settlement grants confirmed for the lives of the pottah-holders, and the latter having stated some objections thereto, they have been translated, and are for the sake of fairness and public information, here recorded, having opposite to them the resident's observations in reply thereto.

Sarishtadar Oomrao Singh's objections.

Report from Lalla Oomrao Singh, Saristadar.

1*stly*.—In several districts at end of the 4th year of the present settlement the mofussil or local settlement is not proportionately adequate to the Sudder or Government rental for that year, and the amils have entered into ikrarnamahs or engagements for taking the difference on themselves. Now, although the amils will take the payment of this penalty on themselves for one year, yet, as the proposed regulation renders the settlement permanent for life, none can agree to submit to such a penalty for so long a period. Wherefore it is certain, that by maintaining those four years' pottahs the sudder settle-

Resident's observations thereon.

To this objection it is surely sufficient answer to observe that by the accounts of the four years' mofassil settlement, compared with the sudder jumma or rental payable to Government from those mahals for the same years, those amils under five years' leases will enjoy in the loss of the four years leases a surplus profit above the deheyek or 10 per cent., and the half bhurray (allowed to all amils in general) of upwards of Rs. 80,000, whereas the deficiency here noted doth not much exceed Rs. 32,000, so that after Government shall (as it no doubt must) give up the said deficiency, as they will at the same time become

ment will in the 4th year sustain a loss in like manner, as hath already happened in the tuppeh of Oprowde, whereby, breaking through the amils' position, five years engagements, and making a new sudder settlement on the footing of the mofussil pottahs, the sum of Rs. 6,485 has proved a deficiency.

This therefore is a point to be previously considered.

entitled to the surplus, they will on other principles of the settlement become gainers of about Rs. 50,000 on the gross rental, as will be seen by the account marked A., to be entered after these objections and the answers to them.

The causes of the dismission of the amil of Oprowde forms matter of separate and distinct consideration that cannot effect a question so general as the present. This case stands fully recorded in the proceedings of the time when his dismission took place, as well as the circumstances of the consequent diminution of the sudder jumma in that small part of the country.

2ndly.—It is not unknown to you that several of the amils have, in the districts under five years' leases (and where four years' pottahs were in consequence issued in the 2nd year of their leases) for the mofussil jumma, caused sundry of these mofussil pottahs to be written out in the names of their own dependants, retaining at the same time themselves the real collection of such places.

2ndly.—These instances (several if not the most part of which are pointed out in the accounts of the settlement) are not very numerous, and were they even more so, the Resident does not think they form any material or reasonable objection to the declaration of the permanency of the settlement, since of those dependants of the five years' amils (who now hold of course as farmers) shall decline to hold their pottahs longer than the expiration of those amils' current leases, there can be surely no difficulty in finding others to replace them, with whom the new leases will of course be entered into on the principle of holding for life.

3rdly.—In the settlement of the tuppeh of Suktesgurh not one pottah has been issued to the zemindars, but all has been let to farmers, persons serving in and connected with Chunar. To maintain such pottahs for the lives of the parties tends to the ruin of that talooka, and it will never be cultivated under them.

3rdly.—There are said to be no zemindars in the tuppeh in question, at least none appeared or came forward at the period of the decennial settlement. The sole and proper zemindar thereof is said to be Rajah Ram Gholam, as the representative of the dispossessed Rajah zemindars of all the extensive district of Kuntit; but by the existing Regulation he cannot be restored as zemindar, and the next best method of providing for the prosperity of Suktesgurh, or of any other place, is certainly by fixing the assessment and giving permanency to the landholder, which is the real object and aim of the Board.

4thly.—Similar objections exist in several other places to my knowledge, the sum of which I wish to commit to paper.

4thly.—However, this tuppeh of Suktesgurh may for the present be made an exception by not extending the general notification to it or addressing any purwanah to the amil or canoongoes thereof, which is ordered accordingly.

5thly.—As to pottahs to zemindars, and all the ten years' pottahs throughout, there are no objections, but merely in respect to the farmers of the four years' pottahs.

5thly.—Thus, for little more than imaginary evils, that can only be considered to effect a small proportion of the country, the general good and happiness of the far greater part thereof should surely not be left exposed to danger. The more establishing of the principle that the present and all future leases are to be for life, must operate in all senses and in the highest possible degree to the general good, and must ever have a tendency to correct and prevent the mischief arising out of the misgovernment of the native Rajahship, should the Rajah be ever again reinstalled; since there is nothing he or his servants would in that case be more proud of than to subvert all the settlements and to have it always in his or his delegate's power to be dispossessing and re-instating the landholders.

Paper A. referred to in the first of the above replies—

Account of the particulars of the amils' profit and loss in the mahals settled for four years of Sircar Benares, &c., for the year 1200 *Fuslee.*

Names of Pergunnahs		Amils' profit			Amils' loss		
		Rs	a.	p	Rs.	a	p.
Pergunnah	Nurwan, ...	18,223	15	9	...		
	Bulliah, ...	4,631	9	9	...		
	Zahurabad, Pachotna, &c., ...	15,062	13	9	...		
	Secunderpur, ...	17,342	9	3	...		
	Shadeabad, ...	6,614	4	9	...		
	Jawanpoor, ...	4,991	13	3	...		
Talooka ...	Suktesgarh, ...	1,314	11	0	...		
Pergunnah	Dhoos	1,140	3	6	...		
	Mong Mehwary, ...	2,821	4	6	...		
	Bhagwat, ...	295	10	6	...		
	Burmal, ...	3,895	3	0	...		
Talooka	Tukney, ...	996	12	0	...		
	Dowurna, ...	1,433	8	6	...		
	Meijwah, ...	3,739	0	0	...		
	Sorahi Coraneth, ...	.			1,500	0	0
	Chettapur, ...	...			871	1	3
	Korownah, ...	...			1,023	1	6
Pergunnah	Aherowrah, ...	...			4,194	4	3
Talooka	Bursuthy, ...	...			1,242	10	9
Pergunnah	Murreahu, ...	...			3529	0	9
Talooka	Serennoo Pagsara, ...	...			7,165	4	6
Tuppeh	Cheanowy, ...	...			2,651	0	0
	Chowrassy, ...	...			5,140	2	0
	Sahatak, ...	...			1 846	2	9
	Gungapoor, ...	...			399	7	0
Pergunnah	Kala Aala, ...	...			1,562	10	6
		...			601	7	6
	Total, ...	82,506	7	6	32,326	4	9

There is further in favour of issuing the proposed notification, the pressing circumstance of the present very unpromising season, which requires every encouragement to be given to the village zemindars and landholders to induce them to exert themselves to the utmost to get over it.

Unfavourable prospects of present year a further argument for the measure.

Under the conviction of the general propriety and present strong expediency of the measures, the following notification is prepared, in which the resident has, from motives of humanity (which

Notification prepared.

he thinks the Board will approve of), inserted a clause relative to the dormant claims and rights of the zemindars not yet restored, which will leave it at the discretion of Government to take their cases (if thought fit) into future consideration.

With clause relative to dormant claims and rights of zemindars.

Circular Order to all amils and kanoongoes, dated 27th August 1791.—"As the period for ploughing and sowing the rubbee crops is at hand and as Circular Orders have already been transmitted into every pergunnah for digging wells with the assistance of Government. Now to the end that all the zemindars, farmers, and ryots may exert themselves to the utmost in the cultivation as well of the present as of future years, it is signified to them for their security and notified for general information that the ten years mofussil settlement, as made in 1197, of sundry districts in the four Sircars of Benares and also the four years mofusil settlements made in the same year, having passed under the inspection of the Governor-General in Council at the capital of Calcutta, his approbation and declaration of the permanency of the said settlement were issued under date the 11th of February, 1791, to this effect.

Circular Order to all amils and kanoongoes.

Decennial settlement made in 1197 Fuslee, of sundry districts.

Also four years mofussil settlements of same year.

Declared permanent by Governor-General on 11th February, 1791

"That the settlements for four years be confirmed for the six following years so as to make the said settlements equal to those for ten years, that is, that for the six years next ensuing the expiration of the said fourth year, every pottah-holder shall pay according to the jumma expressed in the fourth year for each person's jumma respectively, and all the pottah-holders whether for four or for ten years (who are now all alike) are assured that as long as they continue regularly to pay the revenue according to the pottahs, which each person possesses under an English signature, they shall not be liable to any further demand during their lives.

Existing pottah-holders to continue to pay rent at rate of fourth year for ensuing six years.

And so long as this rent be paid regularly, no further demand shall be made during pottah-holders' lives

"Wherefore let the pottahdars considering themselves fixed and permanent in their tenures, exert themselves in the cultivation, since the profits resulting from such exertions will now be their own, because during the lives of each personal pottah-holder no one can demand from him a greater revenue than that specified in his pottah.

Pottahdars therefore to exert themselves to increase cultivation and consequently their own profits.

"Thus the zemindars who throughout the four Sircars have been, in nearly the proportion of two-thirds, restored in consequence of their coming within the description of the limitation laid down by Government, may be assured of remaining generation after generation in their respective inheritances on the two conditions of paying the revenue and being duly obedient to Government, nor can any alteration in their several heritages be made except by the regular judicial process of the Moolky Dewanny Adawlut; and relative to the farmers who on account of the failure or non-existence of zemindars within the description of the aforesaid limitation have been settled by pottahs on the said vacant lands, they also during their lives remain in possession unless it should ever please Government to call in the heirs of those zemindars who come not at present within the limitation of the regulation for restoring such land-holders; in which case, to do so will remain in the discretion and power of Government on the expiration of the period of the said farmers' leases, or otherwise the present farmers shall remain permanently, like the zemindars, in the possession of their tenures.

Restored zemindars assured of hereditary succession unchangeably.

Except by judicial process of Moolky Adawlut.

Farmers also to enjoy the same privilege.

Unless Government restores zemindars at expiration of farm.

"Let this Regulation be stuck up in every principal kutcherry, and let the kanoongoes also carefully preserve the same in their offices and explain the same to all the zemindars and farmers, and even furnish them with copies thereof."

Regulation to be carefully preserved and widely published by kanoongoes.

In 1199 Fuslee, the rains insufficient and crops scanty

Resident granted Rs. 36,000 for digging wells

Remitted Rs 26,000.

Throughout the whole year 1199 Fuslee, the rains were insufficient and the crops every where scanty. The Resident used the most vigorous efforts to promote the cultivation, and granted Rs. 36,000 for expenditure in the digging of wells. Further remissions to the extent of Rs. 26,000 were made to the zemindars in other parts of the country which had suffered the most. So successful were these measures of relief that the revenue of the year was collected early and successfully and exceeded that of the preceding year by Rs. 59,386-14-6. The advance made to Sheo Lall Dobee in 1195 Fuslee, was liquidated, and thereby a further annual increase to the land revenue of Rs. 19,176 secured.

Revenue all realized exceeds that of previous year by Rs. 59,386

Sheo Lall Dobee, paid and thereby further increase in revenue accrues.

Revenue Administration of 1200 *Fuslee or* 1792-93 *and* 1201 *Fuslee or* 1793-94.

At the commencement of 1200 Fuslee, Mr. Duncan issued the benignant order with regard to the remission of the tulubana collected in the previous year and to the granting of additional help to the needy husbandmen, which has been given in full in the fourth chapter. In November, 1792, Mr. Duncan was appointed a Special Commissioner for the settlement of the territory on the Malabar Coast, taken from Tippoo Sultan, and Mr. Pelegrine Treves was appointed to officiate as Resident until Mr. Duncan's return in March, 1794. These two years (1201 and 1202 Fuslee) were not marked by any measures of importance in the formation of the permanent settlement. The province continued to grow in prosperity; the land revenue went on increasing and was collected with ease. To this satisfactory state of things the pergunnahs of Zamanea and Chowsa formed exceptions. The settlement formed by Mr. Neave appears to have been unduly high. Three amils in succession were entrusted with the administration, and each one of them surpassed his predecessor in the severity of his exactions. Mr. Treves who was deputed in June, 1792, to superintend the collection of the large outstanding balances, was directed by Mr. Duncan to prevent any severity on the part of the amil in his collections, as the country had been injured by drought and hail, and to hold out to him promises of remission. The following extract from a report of Mr. Treve's illustrates the native system of collection. "Since the first day of my arrival here I have received daily reports of the inhuman and improper conduct of the amils at Chowsa, such as tying up twenty or thirty of the zemindars in a day and flogging them in a most cruel manner. As the amil knows the ruinous state of the pergunnah when it was entrusted to his charge, and as I was acquainted with the particular injunctions you gave to him not to distress the ryots but only to collect as far as their abilities would admit, I own I imagined these accounts were exaggerated, but at the same time I thought it my duty to take such steps as might ascertain the truth. I am sorry to say I have not now a doubt remaining, and Meer Amjud Ali himself, being with me yesterday, confirmed the truth of it, and said as an excuse that he had only followed the usage of his predecessors, and that it was well known that the zemindars of that pergunnah would never pay an anna without flogging. I am sorry to say my enquiries have confirmed what he alleges to have been the custom with the best amils he succeeded."

Mr. Duncan's order remitting tulubana and granting further help to needy ryots.

Mr Duncan appointed Commissioner for settlement of territory on Malabar coast.

Mr. Treves officiates as Resident until March, 1794.

Continued prosperity of the province.

Except pergunnahs Zamanea and Chowsa.

Mr Neaves assessments too heavy

Mr. Treves deputed in June, 1792, to collect balances.

Directed to prevent severity on part of amils.

Mr. Treve's report on native system of collection.

Amil ties up and flogs 20 and 30 zemindars daily.

Meer Amjud Ali, amil, says zemindars will not pay unless flogged as usual heretofore

In November, 1793, Mr. Treves, then acting as Resident, addressed Government on the subject of the Chowsa balances and the decayed state of the pergunnah.

Government addressed regarding Chowsa balances.

In August, 1794, the Resident deputed his younger brother, Mr. Alexander Duncan, who had recently been appointed Assistant into the pergunnahs. He directed him to revise the settlement of Zamanea and to enforce the abolition of the very high pergunnah cesses at the rate of 15¾ per cent. which, although they had been disallowed five years before, still continued to be collected by the amils successively appointed in pergunnah Chowsa.

In August, 1794, Mr. A Duncan appointed to revise settlement of Zamanea.

And abolish pergunnah cesses.

In December of the same year Mr. A. Duncan submitted his report of the revision of settlement of Zamanea, and recommended an immediate reduction of Rs. 1,000 per annum and a future reduction of Rs. 5,000 per annum in the revenue of thirty-two villages. This was granted. The pergunnah, if Mr. Duncan had remained at Benares, would soon have become prosperous, but under the Collectors of Benares, within the next fifteen years, all the largest estates in it were sold by auction or confiscated for rebellion.

Mr A. Duncan recommends immediate reduction of Rs. 1,000.

And Rs. 5,000 hereafter in 32 villages.

Granted.

Under Collectors of Benares, pergunnah ruined.

In August, 1795, a report was submitted of the revision of the settlement of pergunnah Chowsa in which, as well as in pergunnahs Dhoos and Nurwan, and talooka Suktesgurh reductions were made on the assessment of 1197 Fuslee.

Reductions made in Chowsa, Dhoos, Nurwan, and Suktesgurh.

Revenue administration of 1202 *Fuslee or* 1794-95, *and completion of the permanent settlement.*

In 1793 A. D., the decennial settlement of the provinces of Bengal, Behar, and Orissa was declared perpetual. An elaborate code of laws and regulations was framed and printed. The Government divested itself and its executive officers of judicial functions and established a system of Civil and Judicial Courts presided over by one Superior Court in Calcutta.

In 1793 permanent settlement of Bengal, Behar and Orissa effected.

Civil and Judicial Courts established presided over by Supreme Court in Calcutta.

It would appear from Regulation III. of 1793 in which it is stated that "the Governor-General in Council has determined to frame the constitution of the courts upon such principles as will enable every individual by the mere observance of certain forms to command at all times the exercise of the judicial power of the State thus lodged in the courts for the redress of any injury which he may have sustained in his person or property," that the Government expected the redress of all grievances to be as certainly the result of the new machine like system, as correct arithmetical processes are the certain products of the calculating machine.

Regulation III. of 1793, for redress of any injury sustained by any individual.

The Resident of Benares was directed to ascertain from the Raja of Benares whether he was willing that a similar system of administration should be introduced into the province of Benares.

Resident directed to ascertain Raja's willingness to introduction of this system.

Mr. Duncan's reply of the 23rd of July, 1794, merits to be given *in extenso*, so valuable is the information it contains as to the Revenue Administration of the past years, as to the condition of the tenants in the Raja's jagheers, and as an expression of Mr. Duncan's views as to the unfitness of the system of realization of revenue by auction-sales for the circumstances of the province.

Mr. Duncan's reply most valuable.

The Honourable SIR JOHN SHORE, BART., *Governor-General in Council.*

HON'BLE SIR,—I received on the 18th of this month, the letter from the Sub-Secretary of the 3rd of March with a postscript, explanatory of the oversight that had occasioned the delay in its despatch, which has been of the less consequence, as I have from the date of it, (being before I left the Presidency) had a

Introductory.

Difficulties in convincing the Rajah of the advantages of depriving him of power.

general knowledge, though without any official intimation, of the intentions of Government, and had in consequence already taken some steps tending to ascertain the state of the Rajah's mind and disposition towards a concurrence in the projected alteration of system for this province, but as nothing decisive has yet ensued, I shall take a future opportunity to submit to Government the result of my best endeavours to convince the Rajah of the advantages that the introduction of His Lordship's plan of administration is calculated to secure to this country, which unhappily the former's education and habits tend to prevent his so readily distinguishing from those that are, or that he supposes to be, more immediately connected with his own personal power and consequence, whereof he does not perceive the diminution so much, in what he has hitherto affected to consider as only a temporary and single interposition on my part, as in the permanent introduction of a new system to be superintended by several; but yet I do not despair, if not to convince his understanding, still to be able to gain in due time his ultimate assent to the wishes of Government.

Mr Duncan abstains from interference in the part of the country still left to the Rajah's administration.

2. Meanwhile, I must acknowledge that the part which, from my return to this station in March last, I know would be thus assigned to me of obtaining his acquiescence to a great political object, has made me more tender than I might otherwise have been of exercising even the usual degree of control in respect to his, or his officer's management of the few districts that are still entrusted to him, for soon after my arrival, there were a variety of complaints preferred by considerable bodies of his ryots from his family pergunnah of Gangapore, or Kuswar, which, on his written remonstrance and request that I would leave his authority unimpaired over these, whom he deems more especially his own ryots, I have generally acquiesced in, by interfering as little as possible, and contenting myself in most of these cases with only recommending to him to enquire himself into the alleged grievances, as well as to guard against too implicitly submitting his own judgment (as he has long been in the habit of) to that of his principal Dewan, Baboo Daleep Singh, who has ever borne a very unfavourable character for severity and harshness to the ryots; and I have the pleasure to be able to add, that the consequences hitherto resulting from these measures have been, that the Rajah's confidence is said to have become considerably shaken in, and withdrawn from the man in question, and that he begins to venture to act without consulting him; a change which is also agreeable to, and of course promoted by Rani Golab Kuar, the Rajah's grandmother, to whom he is generally in all respects submissive.

Complaints in Kuswar

3. The principal complaints thus preferred against the Rajah's management are in the district of Kuswar, for breach of agreements with his under-renters and for over-exactions of revenue, for both of which considerable scope is allowed in consequence of Government's not having (for the reasons mentioned in the 24th and 26th paragraphs of my letter of the 25th of November, 1790, on the ten and four years mofussil settlement) extended the interior arrangements of the general settlement into those parts of the district, but left them on the former footing of temporary pottahs or of collecting according to the produce.

And in Kernadanry and Jalhupore.

4. Besides these complaints from his own immediate tenures, there have been some preferred against his or his officer's management as amil or Collector in the two districts of Kernadanry and Jalhupore, of which, after their interior settlement had been fixed (as explained from the 40th to the 43rd paragraphs of the letter above quoted of the 25th of November, 1790,) I consented to gratify him or his family, with the Collectorship, and as from one of the renters of the first-mentioned of these plans, there was an undue, though not very considerable exaction of annual revenue clearly ascertained to have been made by Baboo Daleep Singh, (the Rajah's manager,) over and above the sum specified in the Government's settlement, it became strictly my duty, and was indeed

unavoidable, that. I should cause him to refund the amount to the party injured and also to allow the latter to account for his revenue in future directly to Government by paying it himself into the treasury at Benares, according to the provision made for that purpose, as notified in the 39th paragraph of my aforesaid letter on the general settlement.

Complaints of exactions of revenue collectors.

5. The complaints from Jalhupore are, however, of a different nature and much more difficult of ascertainment, being for secret and small nazzars, and other petty exactions under the well-known heads of bhet, tulubana, multana, or batta, &c., exacted by or given to the officers and mutsaddies immediately employed in the collections, the proof of which depending and for the most part admitting in this instance (as well as in the cases of several other districts and pergunnahs besides the Rajah's, from which it is but fair to add that similar complaints have also been received) of no surer evidence than the assertions or personal oaths of the complainants, corroborated more or less by the accounts of their patwarees, which are generally, if not always, of these complainants own dictating. It becomes often a matter of serious difficulty to form a satisfactory judgment on such appeals, since, however probable in themselves (notwithstanding the precautions adopted and a separate and solemn engagement entered into by the amils against such practices as specified in the 3rd paragraph of my letter of the 26th of December, 1789), yet there can, perhaps, but few such cases occur, where that degree of clear proof and certainty can be adduced, as are necessary to constitute the basis of any regular judicial award for restoration of sums or other articles thus claimed to have been clandestinely given or exacted.

The amils try to enhance on expiration of four years' leases to the village renters.

6. The view, however, of the circumstances thus alleged and brought before me in the course of several enquiries into complaints for exactions of this description, has naturally turned my thoughts to the means of providing such additional checks as may seem the most likely to obviate their cause which, as far as it may have had existence, can only be attributed to the too great dependance that the zemindars and farmers lie still under towards the amils, who may also probably be found chargeable with having in some instances availed themselves of their situations to make occasional innovations on and alterations in the settlement of 1790, without having always perhaps advised and obtained the previous sanction of the Residency, in excuse for which some of them now plead the ideas they entertained that on the expiration of the four years settlement the pottahs for that period were no longer binding, although the contrary (as far as respected themselves and the Government) was published throughout the country on the receipt of the Board's order of the 11th of February, 1791, which extends the term of the four as well as of the ten years' pottahs to the lives of the parties, the natural demise of many of whom, and the voluntary resignation and relinquishment of several others among the class of farmers, at the expiration of their four years kuboolyats, have, of course, contributed to swell the catalogue of those annulled leases.

Break-down of the settlement in four pergunnahs from over-assessment or bad seasons.

7. But independent of these causes another principal source of alteration in the settlement arises from that of three or four pergunnah (such as Dhoos, Narwan, and Chowsa) having failed, either from being originally too highly assessed or from the calamity of bad seasons, as has, in particular, been the misfortune of the last mentioned pergunnah, which, situated at the confluence of the Karamnasa with the Ganges has, during several years past, been almost annually visited by extraordinary droughts, followed during the course of the season by violent hail-storms that have more than once levelled a large proportion of the scanty crop which the poor husbandman of this peculiarly-devoted district had been able to raise to a state of approaching maturity.

8. Yet, notwithstanding the operation of all these causes, the far greater number of the pottahs issued on the general settlement are still permanent, insomuch that of about Rs. 4,700 granted, not quite Rs. 700 or about a seventh proportion have, during the course of the five years that have elapsed, been given up, or have become otherwise ineffectual and require now to be renewed, which may easily take place in the course of the ensuing season, upon such grounds of certainty, ascertainable from a view to the causes of their failure, as need leave but little chance of the recurrence of similar disappointments, unless in the instances of such an uncommon series of calamity from season as has been above noticed.

Six-sevenths of pottahs granted still in force.

9. In the meantime I have not scrupled to make advances from the surplus revenue of former years towards providing for improvement and bringing into the completest state of cultivation (as I trust will be fully effected during the present rainy season) the two pergunnahs of Chowsa and Dhoos; and I have also issued orders for admitting to general restoration those pottahdars whom the amils shall appear to have clandestinely or wrongfully dispossessed, accompanied by a proclamation throughout the country as to the permanency of the settlement of 1790; but notwithstanding these few preparatory steps, a period of at least some months longer, if not all the ensuing Fuslee year, may be requisite to enable me to leave the district in that state wherein it would be my ambition to see it placed, as relative to which I shall, in the sequel of the address, submit to the consideration of Government, the heads of such articles of regulation or improvement as seem advisable, on the foundation of the existing system, with a view also to their not proving at least generally repugnant, but, perhaps, for the most part, sufficiently adapted to coincide and assimilate with the one that is intended to follow it.

Measures of improvement for the country, and restoration of ejected lessees of villages.

10. In the first place, the present amil's leases being all expired from the end of the Fuslee year 1200, or September, 1793, they may now be all considered a removable, but independent of the general idea of permanency held out to them by the Board's orders of the 21st of October, 1789, it seems very doubtful, (for the causes referred to in the 38th paragraph of my already-quoted letter on the general settlement of 1790) whether a better body of men could be substituted in their places, and that some such officers must be maintained, as well for the collections of the revenue as the maintenance of the peace and police of the several pergunnahs is, I think, unavoidable.

Maintenance of amils.

11. All then, perhaps, that can with safety be effected, or is in reality in this respect desirable, may consist in the limitation and diminution of their authority by reducing them as nearly as possible to the level of mere collectors, but still perhaps holding them responsible as they now are for the due and regular realization of the revenue ascertained by the pottahs and settlement to be payable within their respective amildarees or collectorships. When the new system shall be introduced into Benares, it will become a subject of consideration how far the rules laid down for making the collections within the provinces may be found adapted to be either immediately or gradually introduced, or be allowed to supersede the present local practice and rules for realizing the revenue, which, although attended by some inconveniences, such as may, for example, in one instance arise out of the degree of discretion thence assumable by the amils (as explained in the 133rd paragraph of the report of November, 1790, on the general settlement) of levying tulubanah (for the amount of which they are afterwards accountable to Government) on parties in arrear, as a spur towards the regular discharge of the revenue, yet, I apprehend that whatever occasional abuse this mode of process may be liable to, it can hardly be given up, though

The system of realizing tulubanah from revenue defaulters preferable to that of auction-sales in force in Bengal.

it may probably admit of further regulation, and it may even perhaps be found preferable in this district, to the introduction of the expedient that has been so long resorted to in Bengal and Behar, of Governments levying the balances by the public sale of the lands of the defaulters, an extremity which (not only from the numerous putteedars or inferior partners that hold immediately under, though their names be not all specified in each Government pottah, but from its never appearing to have been practised as a general rule in this part of the country) might, I fear occasion considerable confusion, and even in some cases open resistance and rebellion by any vigorous or general execution of that part of the Revenue Regulations, in this part of the Hon'ble Company's possessions ; notwithstanding the clause to that effect in the kuboolyats of the present pottahdars, which is rather to be considered as useful, in as far as it may tend to awe the general body of these renters into a regular discharge of their revenue than as calculated to be carried into general practice.

Proposal.

12. To extend, therefore, as much security and freedom to the general body of the natives, as all things considered may as far as regards the collection of the revenue prove in the main, the most advantageous to them, some or all of the following measures appear to me to be requisite.

Restoration of settlement of 1790, whenever necessary.

13. *Firstly.*—To restore and improve the mofussil settlement as made in 1790, whenever it may stand in need of it, from the unfavourable operation of any or all of the several causes above enumerated, for which purpose I am now (as above intimated), taking preparatory steps.

Regulation of the system of the tulubanah.

14. *Secondly.*—To regulate and limit the exaction of tulubanah by Government fixing the rules thereof for every pergunnah, and by rendering it penal in any amil or collector to issue a talab chitti and dastak except it be attested by the kanoogoes, and that they shall have endorsed thereon the rate of tulubanah to be exacted besides their being themselves bound to keep an exact registry of the sums thence realized ; that according to their account the full amount thereof may at the end of the year be paid into the moolkee treasury in conformity to their existing engagements.

Limitation of districts of amils to a single pergunnah.

15. *Thirdly.*—That it be an object with the Resident for the time being to prevent as much as possible more than one pergunnah being held by one amil or collector, or any amil, who shall generally remain in the city of Benares, instead of his district, so as to avoid the two evils arising from naebships and non-residence.

Permission to village zemindars to pay their revenue direct to Government.

16. *Fourthly.*—That from the beginning of the ensuing Fuslee year it be proclaimed throughout the country, that all zemindars and farmers holding pottahs from Government have the option of paying the amount of their respective quotas of the public revenue, either to the amil of their district or directly into the treasury of Government at Benares, provided that in the latter case they first deliver in the personal security of a banker or other substantial person for the due and regular payment of their several kists, and that to enable them to procure and pay the consideration usually required for such security they be allowed one half of the dehyek or 10 per cent., and of the 1½ per cent. bhuray chargeable on their respective portions of the rental (as noticed in the 92nd, 93rd, and other paragraphs of my letter on the general settlement) now allowed to the amils on the entire jumma of each amildaree or collectorship ; the other moiety of the said dehyek and bhuray arising from each person or person's proportion of the revenue, being either contained to the amil

(who is however no longer to retain any revenue authority over such persons) in case the charge of the general peace and protection of their parts of the districts shall still be left with him, or otherwise, that the amount of these centages be reserved for the advantage of Government, or applied to the maintenance of such a local jurisdiction on the part of the sircars as may become necessary in lieu of the amils in respect to places thus separated from their authority.

This will act as a check upon the amils.

17. This last proposed regulation must tend powerfully to secure in favour of those who thus contribute to the revenue, an entire emancipation from even any danger of every species of undue exaction on the part of the amils, who will thence be stimulated by the powerful considerations of their own profit and credit, to retain by mild and accommodating treatment as many of those pottahdars as they can in any wise prevail upon to pay the revenue to their cutcherry.

Proposal to establish Local Courts under cazees and kanoongoes.

18. The adoption of these suggestions and the introduction of such further detailed regulations as would flow from them might, I think, ensure nearly all the advantages that Benares wants or is capable of enjoying, at least on the footing of the existing system, as far as regards its Revenue Department and the correction of the greatest evil it is now liable to by the extinction of all undue authority or excessive influence on the part of the amils, more especially, if in respect to the general administration of justice, local courts to be superintended by the cazees and kanoongoes and either connected with or separate from the amil's authority (as may be thought fit) were instituted with regulations and powers to act in subordination to the superior judicatures at Benares, on principles alike in some degree to those on which the inferior courts have been established in the Province of Malabar, though I had the idea of these now suggested for Benares before my late deputation to that country; a circumstance which, however, prevented my then submitting the consideration of the subject to Government; but, as since my return I find that such an institution is entirely inconsistent with, and forms even a recommendatory part of the judiciary measures contained in the Marquis of Cornwallis' minute, on which the present plan of interior administration for Bengal and Behar is founded, the introduction of these Subordinate Courts in this part of the country need not, perhaps, be postponed till the more general establishment of his Lordship's system at large, more especially, as it could be effected by assigning to the cazees moderate salaries, and thereby restoring them to a proper degree of respectability without any additional expense to Government, from part of the surplus means which I trust will now be annually realized from the increased revenue funds of the country.

I remain, &c.,

(Sd.) J. DUNCAN,
Resident.

BENARES:
22*nd July*, 1794.

P. S.—As there is always some degree of danger in the subversion of ancient customs to which the minds of the inhabitants of a country have been long habituated, I have not ventured, at least for the course of the current year, entirely to prohibit the amils from confining persons in arrears, without sending them immediately into Benares, as recommended in the Board's instructions of the 7th of March last, but I have, as a check on the discretion thus left, required the kanoongoes to transmit monthly reports of the dates and causes of all commitments and enlargements by the amils to enable me to redress any real grievances, and this Regulation (as per copy enclosed) may still further, and with greater safety be improved from the beginning of the ensuing year, into the prohibition desired by Government, if found or judged to be necessary.

It has been noticed that the determination of the relative positions of landlords and tenants, by the issue of leases to cultivators, was the first object which Mr. Duncan had to attain in his Revenue Administration.

Mr. Duncan's first object —Issue of leases to cultivators.

The Rules of June 25th, 1788, were constantly maintained, and enforced again and again in his succeeding Revenue Regulations; but, notwithstanding the tenacity of Mr. Duncan to his purpose, the success which he had attained had been very small.

Success therein but small.

The position of a cultivator during the administration of Mr. Duncan was, nevertheless, one of comparative security. For his protection from the oppressions of the village lease-holders, there were three great safeguards :—

During his administration, cultivators comparatively secure.

1st.—He had an acknowledged right, and one often enforced, to have his land measured, and the rent determined by the rates of the year 1187 Fuslee.

Right to measurement.

2nd.—The amils of his pergunnah were enjoined by the Resident to investigate and redress every complaint of oppression preferred by cultivators against the village renters.

Investigation and redress of complaints enjoined on amils.

3rd.—The Resident himself was easy of access, and never failed to enquire into and to give redress to every tenant who had been oppressed and had been unable to obtain redress from the amil.

Resident himself always ready to hear and redress wrongs of ryots.

For example, a case occurred in June, 1792, in which he gave instructions to the Assistant Resident to recover and pay to a cultivator the sum of Rs 47-6 and some five pie, which had been extorted from him by a village renter in Ghazeepore.

Example in Ghazeepore.

When the completion of the permanent settlement was approaching, Mr. Duncan, fearing it may be that after his departure and under the new system, the protection afforded to the tenants would be less efficient, determined to make one last great effort to secure their rights and to enforce the distribution of leases to cultivators. In February, 1795, an establishment of Special Commissioners, at a cost of Rs. 3,000 per mensem, was appointed and deputed into the interior for the purpose of carrying into "full execution a measure so often projected and which has hitherto been but partially realized."

Mr Duncan endeavours to enforce issue of leases to cultivators. Commissioners appointed.

The general instructions issued to the ameens and all the special orders given from time to time to overcome special difficulties reported by them are detailed in Regulation LI. of 1795.

General instructions and special orders detailed in Regulation LI of 1795

In June, 1795, Mr. Duncan reported his proceedings to Government. The following extract from his letter will show the difficulties he had to contend with and the measure of success he had attained :—

Mr. Duncan reports his proceedings to Government and the difficulties to be overcome.

"Although this measure has, from its novelty in this part of the country and the degree of alarm and aversion which it was in some degree calculated to excite in the zemindars and farmers, in as far as it tended to restrain undue exactions on their part, yet full as much progress as could perhaps under these obstructions have been reasonably expected, has been hitherto made in the issuing of these pottahs, which have, however, in some few instances, been refused even by the ryots themselves, who, more especially if of the brahmin order, think they see their advantage in being free from any positive engagement, well assured that in all protracted contests about

Alarm and aversion excited amongst farmers and zemindars.

Reasonable success in issue of pottahs obtained.

Even ryots themselves, and especially brahmins, refuse to take pottahs.

the rent or revenue they ought to pay; they can hardly fail to get the better, as well of their immediate superiors, as of Government.

"But, notwithstanding the obstacles that may thus arise from the stubbornness or ignorance of some of the landholders, on the one part, and the interested and dishonest views of certain classes among the ryots on the other, I think I may now venture to pronounce that the measure is capable of being carried into very nearly complete execution, as far at least as regards the Chhupurbund or Khoodkasht ryots, and inclusive also in many places of the paikasht ones, by persevering in keeping the ameens out for a few, that is, during a period of from three to four months longer."

Measure capable of success with Khoodkasht ryots.

Government in reply directed the withdrawal of all the ameens, and that for the future the whole matter should be left to the arbitrament of the Civil Courts, as in case no dispute existed, the issue of pottahs was not necessary, while if there were any dispute either the landlord or the tenant could apply for its determination to the Civil Court.

Government orders withdrawal of Ameens, and settlement of these matters to be left to Civil Courts.

It will hereafter appear that for any good purpose the Civil Courts established in 1795 were practically useless, so that the whole matter of the determination of rates of rent remained in abeyance till the enactment of the Landlord and Tenant Act, Act X. of 1859.

Civil Courts in 1795 quite useless.
And matters remained practically unsettled until passing of Act X. of 1859.

It is worthy of remark that Sir C. Wingfield, in his administration of Oudh, seems to have attached as much importance to the issue of leases to tenants as Mr. Duncan had done, but the measure of success attained by him was greater, as the majority of cultivators in Oudh without doubt obtained leases within the first few years after the suppression of the rebellion and re-occupation of Oudh.

Sir C. Wingfield attained greater success in Oudh in same object.

The laws upon which depends the perpetuity of the Benares settlement, and by which are defined the rights and obligations of land-holders in the Province are Regulations I., II., and XXVII., of 1795. Regulation I. of 1795, gives a short account of the origin and progress of the assessment of the Land Revenue in the Province of Benares, and then recites the Proclamation issued by the Resident under the orders of Government, which declares—

Benares settlement Laws, Regs. I., II. and XXVII. of 1795.

"The revenue payable according to the quartenial and decennial pottahs shall remain fixed for ever, so long as the lease-holders and their representatives shall continue to discharge and perform the conditions specified. The above declarations are subject to the following reservations:—

1. Holders of leases are to be considered bound to conform to all regulations to be passed hereafter regarding—

I.—Themselves?

II.—Their shareholders.

III.—Their tenants.

IV.—The administration of Justice.

V.—Succession to estates.

It is further enacted that, on the death of a farmer holding a lease for lands the owner of which was dispossessed previous to July 1st, 1775, the zemindar or his heirs shall be restored to the estate.

Restoration of zemindars upon death of farmer.

2. Zemindars who had possession of their estates since July 1st, 1775, but were nevertheless excluded at the formation of the permanent settlement, may recover possession of their estates from farmers by proving in Court the fact of their possession subsequent to July 1st, 1775.

Zemindars excluded at permanent settlement may recover possession through Courts.

Regulation II. of 1795 re-enacts, with modifications and amendments, the rules passed from time to time regarding the temporary and permanent settlement of the revenue.

Regulation II. of 1795.

This Regulation, which contains twenty-seven sections, gives a summary of many of the orders and transactions which have been narrated in the present chapter. Some of the facts recited in it are worthy of being noted here :—

Section XVI. notices that, when in the issue of pottahs, contests existed between the sharers in the same village as to their respective proportions, or between claimants of different families, to the same village, in all cases the rule was to grant a lease to the person who was actually in possession, or had been in possession since July, 1775, A.D.

Section XVI.—Leases to be given to person in possession among rival claimants.

Parties were informed that the new pottahs (leases) were meant only to fix the rental, and in no way to constitute a bar to the recovery of any proprietary right in land, for which suits might be instituted in the Court of Moolkee Adaulut.

Pottahs only fixed rental, did not create a title to the land.

The settlement thus concluded consisted of engagements with zemindars for about eight-twelfths of the country, and of leases to farmers for about three-twelfths, whilst the remaining one-twelfth continued unleased. The following extract from Section XVII. gives a description of a zemindaree owned by a family or tribe in Benares.

Settlement concluded with zemindar for 8/12ths of the country, of leases to farmers for 3-12ths; unleased 1-12th.

"The land-holders in the zemindaree of Benares, consist, for the most part, of village zemindars paying the revenue of their lands to Government jointly with one or more patteedars or partners descended from the same common stock. Some of these patteedars have had their interior pattees or shares rendered distinct, while those of the major part still continue annexed to and blended, or in common, with the share or shares of the principal of the family or of the head men amongst the brethren, being either one or more, whose names have been usually inserted in the pottahs, cabooleats, and other engagements for the public revenue. With the general consent of the inferior patteedars, this mode was adhered to in the aforesaid settlement, leaving an option to such patteedars as might then or afterwards think themselves aggrieved, or be desirous of separating from their brethren, to prosecute for that purpose in the Adaulut. By this mode of procedure, they may obtain a separation of their family share of the estate, and procure a separate pottah, subject to the payment of a proportionate part of the jumma assessed on the joint estate; but in the meantime those of the brethren whose names stand inserted in the Government's pottah are held, and considered to be, immediately responsible through the amils to Government for the whole of the jumma."

Description of a Benares zemindaree.

Regulation XXVII. of 1799 contains the following provisions: —

Regulation XXVII. of 1799.

Sections 2 and 3 provides for the perpetuity of all future land settlements in the Province.

Sections 2 and 3.

Section 4 announces the expectation that land-owners would improve their estates, in consequence of the profits being secured them, and would behave towards their co-sharers, under-renters, and cultivators, with good faith and moderation.

Section 4.

Section 5.

Section 5 gives reservation of Government rights :—

(1st.)—It being the duty of the ruling power to protect all classes of people, and more particularly those who from situation are most helpless, the Governor-General in Council, whenever he may deem it proper, will enact such regulations as he may deem necessary for the protection and welfare of the putteedars (co-sharers), under-renters, and ryots, and other cultivators of the soil, "and no proprietor shall on this account object to the payment of his fixed revenue."

(2nd.)—Declares that internal duties, if re-established, and the revenue assessed on alienated lands held on invalid titles shall belong to Government.

(3rd.)—That the revenue upon lands allotted for the maintenance of the village police shall be hereafter resumable, provided that Government appoint police officers to perform the police duties of land-holders and exonerate land-holders from being responsible for the peace.

(4th.)—Provides that estates of dispossessed proprietors shall not be liable to sale for arrears of assessment accruing while they are dispossessed of the management of them.

Section 6.

Section 6 declares that proprietors are privileged to transfer their lands without the sanction of Government.

Section 7.

Section 7 gives rules for apportioning the revenue in portions of estates of an estate be divided.

Section 8.

Section 8 declares that the lands of ancient proprietors to whom settlement had been refused on the ground of their not having had possession after July, 1775, shall not be sold so long as they are out of possession.

Section 9.

Section 9 relates to the maintenance of the office of village accountants.

Section 10

Section 10 gives the definition of the term proprietor, as follows:—

"For the sake of precision, it is hereby declared that wherever the term proprietor or actual proprietor of any tâlook, zemindary, village, or other land paying revenue to Government, is, or may be, used in this or any other Regulation extending to the province of Benares, and printed and published in the manner prescribed in Regulation LXI., 1793, such term is to be considered as applying to the person or persons holding under each separate lease or pottah from Government (whether he or they possess the entire proprietary right in such lands, or shall be only the principal amongst other putteedars, distinct or common), whose name or names standing inserted in such pottahs, and who having executed the counterpart cabooleeats, has or have thereby become immediately responsible to Government, as well for the payment of the revenue as for the performance of the other stipulations and conditions contained in the quartennial and decennial deeds of Settlement; without, however, affecting or prejudicing the rights, distinct or common, of any putteedars or sharers where any such shall exist, and in which, in case of dispute with putteedars or holders of the pottahs, are to be determined by the courts of Adaulut, according to what shall be ascertained to be the respective rights of the parties, agreeably to the principles of justice, and the laws, customs and usages of the district, as referred to in Regulation II., 1795, as far as regards the parties in question."

Regulation XXII. of 1795. Mr Duncan's rules for guidance of Civil Courts

The rules issued from time to time by Mr. Duncan to the Civil Court for deciding on claims to restitution to proprietary rights to land are given in Regulation XXII. of 1795, and are as follows:—

Section XV., Clause 3.—The Civil Court was, on the 18th January, 1789, prohibited from taking cognizance of claims to lands and zemindary rights where the party had been dispossessed antecedent to the 1st July, 1775.

Section 15.

Section XX.—On 12th October, 1789, the Judge was informed that the leases then being issued were not meant to fix the proprietary right in estates.

Section 20.

Section XXII.—On 21st March, 1790, parties claiming restoration to proprietary rights were, before the issue of any process, to specify in what year subsequent to 1775 they had been in possession.

Section 22

Section XXIII.—On 10th of July and 3rd September, 1790, the Judge was required to inform the Resident of all decrees for possession of land.

Section 23.

Section XXVI.—On 11th September, 1790, a rule was passed that to prosecute a claim for permanent re-instatement it was necessary to give proof of not less than one whole year's possession after July, 1775.

Section 26.

Section XXXII.—On 14th February, 1791, the Judge was directed that the amount of interest actually enjoyed in property after 1775, was to be the measure of the amount decreed.

Section 32.

Section XXXV contains a rule of the most transcendent importance which may almost be called the Magna Charta of the rights of the village zemindars throughout the Benares province. On the 5th June, it was enacted that—

Section 35.

Charter of rights of village owner.

The possession of any one putteodar or sharer in an estate after July, 1775, was to entitle to restoration all other co-sharers, whether their shares were distinct or common, even though they had not held possession after 1st July, 1775; and further, that in the event of any one co-sharer obtaining possession by suit, all the other sharers who had not joined in the suit should be entitled to possession.

In discussing Mr. Duncan's settlement proceedings it is somewhat difficult to separate two questions which are in themselves distinct, *viz.*,—

Difficulty in discussing Mr. Duncan's settlement.

1*st.*—What is to be thought of the permanent settlement in itself, and secondly, how has it worked?

The first question may at first sight appear to be contained in the second, as it may be concluded that its results are the fairest test of the merit or demerit of the settlement. In most cases this assumption would be a true one, but not, I think, in the present case.

Results the fairest test of success

But not in the present case.

The introduction into the Regulations of 1795 of the provision for the sale of estates on the realization of the land revenue was made against the most strongly expressed opinions of Mr. Duncan.

Sale of estates for arrears contrary to Mr. Duncan's opinions.

This process which, by the Government of Sir J. Shore was intended only for rare and special occasions, became, through the apathy or inefficiency of the Calcutta Revenue Board and of the Benares Collectors, the sole revenue process invariably resorted to.

Only intended by Government of Sir J. Shore for rare occasions.

But became the only process resorted to.

The removal of the powers which the amils and the Resident possessed of deciding disputes between the owners and the cultivators of land, and the making over, first to four, and after 1799 to only three officers, the trial of these and of all disputes of a civil nature in a province containing a population of three or four millions, was tantamount for all practical purposes, to the utter annihilation of all Civil Courts.

Decision of all revenue and civil cases arising among three or four millions of people left to four, and afterwards three, officers.

The Regulation system, itself cumbrous and complicated and unsuited to the country and people, was administered for some years by officers who had never mastered it and were therefore incapable of avoiding evils, which, even under that system, might have been avoided, or of evolving from it whatever of good it contained.

Regulation system cumbrous and complicated.

It is therefore unfair to judge by its results of a settlement which, before it had time to become consolidated, was exposed to so many injurious influences, and, in justice to Mr. Duncan, it is necessary to judge of the settlement without allowing ourselves to be prejudiced by the knowledge of all the evils which came upon the Province through the misgovernment of his successors.

Settlement should not be judged by results produced by misgovernment of Mr. Duncan's successors.

The settlement may be regarded as it affected :—

1*st.*—The interests of the State.

2*nd.*—The interests of the land-owners, so far as regards the interests of the State. The great fundamental error of the settlement was the attempt to fix in perpetuity the land revenue at a time; (1) when the country was in part waste; (2) when the machinery of Government was so defective that it was impossible to measure the area of estates and of cultivated lands within them; (3) when the boundaries of estates were not defined.

Error in fixing in perpetuity land revenue in a partly waste and wholly unmeasured country.

In cases when by a rough estimate three-fourths of an estate was cultivated, the amils were instructed to make at once a final settlement, no matter how large the waste.

Final settlement made on areas only three-fourths of which were cultivated

Progressions of assessment were not to extend beyond the first four or five years of the decennial settlement made in 1789-90.

No progression of assessment after five years

Before the fixing of the revenue, in 1795, the land revenue of the Province was most elastic, having increased from Rs. 35,44,335 in 1789-90, to Rs. 37,86,302 in 1795. If the system in force during Mr. Duncan's administration had been continued for some years longer there is every reason to believe that year after year the land revenue would have continued to increase, as cultivation extended, with not less rapid strides.

Previous to settlement of 1795 revenue was most elastic.

Every reason for belief in increased revenue as cultivation increased.

It was not possible to keep Mr. Duncan always in Benares, nor to find a successor like himself, but it will be remembered that while Mr. Treves acted as Resident, for nearly a year and a half, the revenue was still collected with ease and punctuality, and the country continued to improve.

Even in Mr. Duncan's absence revenue was collected and country continued to improve.

Since the formation of the permanent settlement up to the present day the most strenuous exertions have been ever made to enhance the land revenue by assessing all estates, or portions of estates, held revenue-free or on insufficient tenure, and by assessing at full land revenue all newly formed alluvial lands.

Strenuous exertions to enhance the land revenue

By resumption of maafee and by assessment of alluvial lands.

The following tabular statement for the pergunnahs now in the Ghazeepore district which were permanently settled by Mr. Duncan, shows how small have been the financial results of the exertions of so many able officers in so long a period :—

Nevertheless results but small.

Pergunnah.	Revenue at the time of permanent settlement.			Present revenue.			Increase.			Remarks.
	Rs.	a	p	Rs.	a.	p	Rs.	a.	p.	
Pachotar	69,912	8	1	72,120	0	8				Out of the present jumma a remission of about Rs. 25,000 is annually allowed for diluvion.
Ghazeepore	88,731	8	7	89,526	8	4				
Shadiabad	1,00,008	0	9	1,08,057	13	0				
Karanda	46,299	1	15	51,100	1	9				
Zamania	1,71,826	7	6	1,76,957	13	3				
Mahaitch	61,408	3	3	62,438	13	8				
Zahurabad	93,204	6	3	97,620	9	9				
Kopachit	66,178	7	9	70,689	12	3				
Lakhnesar	20,273	0	0	20,273	0	0				
Mahamdabad	1,61,815	6	8½	1,53,837	13	5				
Garha	36 672	0	6	41,025	12	6				
Dehma	6,812	2	0	7,549	2	0				
Balia ...	1,75,473	14	6	1,52,376	9	3				
Kharid	1,09 995	8	0	1,17,132	1	11				
Total ...	11,22,052	11	0½	12,20,104	15	9	98,052	4	8½	

The average assessment of land revenue on cultivated land in the Benares province is Rs. 1-8-8 per acre cultivated, and Rs. 1-3-5 on culturable land. In the recently settled parts of the adjoining districts of Allahabad it is Rs. 2-8-10 per acre on cultivated, and Rs. 2-0-9 on culturable or assessable land, and in Azamgarh it is Rs. 2-4-4 per culturable acre, and Rs. 1-12-0 on culturable land.

The following tabular statement shows what the land revenue of the Benares Province would have been at the Azamgarh and Allahabad rates :—

	Rs.	a.	p.
On cultivated land			
By Allahabad rates	77,50,330	0	0
By Azimghur rates	68,96,212	0	0
On assessable area.			
By Allahabad rates	78,80,079	13	6
By Azimghur rates	67,37,167	8	0
The actual land revenue of the Benares Province (Omitting Chousa now in Shahabad)	46,81,741	4	9

It is of importance to remember that, although cultivated areas of estates are commonly mentioned in the settlement proceedings of Mr. Duncan, yet the assessment was made upon the whole estate, of whatever size, and not upon the area mentioned. The loss to the State by the adoption of this procedure has been very great.

Loss occasioned by assessment of total areas of estates.

If at the settlement a reservation had been made of the right of Government to assess subsequently all cultivated lands found by measurement in excess of the area specified in the deed of settlement of each estate, the mistakes of the canoongoes or their frauds in understating the cultivated area of villages favoured by them would have been neutralized and the State secured from the heavy loss which has been caused by the non-assessment of land then lying waste.

Reservation of right to assess hereafter waste lands should have been made.

Would have secured Government against heavy loss through frauds and mistakes of canoongoes.

The Government of Lord Cornwallis, and not Mr. Duncan, is however responsible for every feature of the settlement which has retarded the elasticity of the land revenue and deprived the State of its dues.

Mr. Duncan not responsible for this.

The surrender to the land-holders of the large increase of revenue which the State would derive from the extension of cultivation was one of the fundamental principles of the permanent settlement scheme. It would not have been possible for any officer with no better staff of subordinates at his disposal than Mr. Duncan, and obliged, as he was, to conform to the orders laid down for his guidance, to do more than was done by him in obtaining a full assessment and in securing the dues of the State. The following extract from a minute of Mr. Newnham, Member of the revenue Board, dated the 15th of January, 1822, relative to the frauds practised on the Collectors of Goruckpoor by their native subordinates, and of the vast tracts of land the land revenue of which was fraudulently alienated, shows how difficult a task it is on the first assumption of the revenue administration to avoid even gigantic errors, and shows by contrast the ability of Mr. Duncan as a Settlement Officer :—

Fundamental principle of the permanent settlement

Mr. Duncan unable to do more than he did.

Mr. Newnham's minute on frauds in Goruckpoor by native subordinates.

"The villages now registered as rent free in the Goruckpoor district appear from Mr. Carter's letter to be 2,471, and the total lands, inclusive of fractional parts of villages, begahs 8,81,228, and probably the best soil of the district, which cannot immediately well be compared with the records of rent free maafee at the cession, which I will state at 500 villages, the grants, I believe, specifying the extent of lands alienated."

"In view of the Judge's house lies the expanse of fertile plain belonging to Mahomed Hussein Khan, Cazee of Goruckpoor, and his relations who have possession, it is stated, of 13 villages and five chowks, or to Sheikh Soobhanee, whose family is said to enjoy 22 villages. But why should I proceed in the invidious task of further allusions to particular persons. It may be enough to say that on visiting the little tract of land under survey, called Gopaulpoor Rusoolpoor, which is an accidental speck of revenue in an ocean of moafee, I was asking the cultivators whether it would be practicable at the expense of Government to drain the extensive swamps lying between the forest and the river Raptee by deepening the channel of the nullah where it joins the river? The sarcastic reply of a cultivator was merely this—'The swamps are occasioned by a nullah, whose name I forget, which does not join the Raptee at a less distance than 12 kos. By deepening the channel throughout this distance the swamp would drain off at the end of the rains. The Government are all powerful but I fancy far too wise to expend one anna, for this expensive undertaking would not benefit to that amount, as the whole tract of country is either in possession of, or claimed by moafeedars.' I confess the satire animated me in the investigations which I have described."

From Mr. Duncan's proceedings I should, however, gather that over and above the waste lands assigned to settled villages, there were tracts of wood and waste, as, for example, a jungle of 20,000 acres round the fort of Seringah in Chowsa, which he considered not included in the area of any estate. If a measurement had been made of all such tracts and a register prepared of them, which might have been done compatibly with the principles of Lord Cornwallis, the right of the State to land revenue could in later years have been enforced with more certainty and ease.

Mr. Duncan considered some waste and forest land excluded from area of settled estates.

Seringah in Chowsa.

A register of these would have been most beneficial to the State.

The permanent settlement, as it affected the owners of land in the province, was a boon and an unmixed benefit in as far as—

Permanent settlement as it affected the landowners.

Freed them from exactions and oppression of Rajah

1st.—It freed them from the exactions and oppressions of the Rajah and his subordinates.

Limited the State demand on them.

2nd.—Limited the demand of the State for land revenue.

3rd.—Conferred upon them right to increase and extend their cultivation without liability to pay an enhanced land revenue.

Conferred right to extend cultivation.

But in certain other respects it effected injuriously the position of land-holders. From the foregoing narrative and from a perusal of Regulation II., 1795, the following propositions are clearly established :—

But in other respects it acted injuriously.

Estates in Benares almost always held by numerous body of owners.

I —Estates in the province of Benares were, in nearly every case, the property, not of individuals, but of a numerous body of owners.

This is expressly stated in Section XVII. of Regulation II., which has been given *in extenso.*

One or more selected as representatives.

II.—At the settlement, one or more of these owners were selected as representatives of the whole body of the owners of each estate and a lease made out in their name.

III.—In the selection of the lease-holders.

1st.—No regard was paid to the wishes of the body of owners.

2nd.—Nor to the intrinsic fitness of the persons chosen.

Leases always given to former lessees of the Rajahs

3rd.—Lessees were invariably selected in accordance with a rule laid down by the Supreme Government, *viz.*, that they should be persons who, after July, 1775, had obtained leases from the Rajah of Benares.

Position of lease-holders wholly changed

IV.—The position of a lease-holder was wholly changed; his tenure had been neither hereditable, nor transferable, nor permanent, nor based on right, but fluctuating, held from year to year at the favour of the Rajah and his amil. By the settlement proceedings and Section XXV., Regulation II., 1795, his tenure became permanent, hereditable, transferable; he became superior or chief proprietor of the estate, and by Section X. of Regulation XXVII., 1795, it is further enacted that to him alone in the Regulations is to be applied the term "proprietor or actual proprietor" even though he is actually only "principal among other shareholders, distinct or common."

Proprietary right of land-holders maintained

But liable to be annihilated

V. The proprietary right of the land-owners to whom the leases had not been given was maintained on its old footing so long as the lessee administered the estate successfully and duly discharged the revenue, but was liable to complete annihilation if, either through his fault or misfortune, the revenue was not paid. By Regulation VI., 1795, sale of estates was made one of the penalties of the default, and in that Regulation no provision was made for the maintenance of the ownership of the owners not lessees in the event of sale. It will hereafter appear that under the Regulation system and the administration of the Calcutta Board of Revenue the successful administration of an estate by a lessee was difficult, and in most cases impossible, but for this Mr. Duncan was in no way responsible. Nor was he responsible for the liability of estates to sale, which was enforced against his vehement protests by the Government of Sir J. Shore.

Sale of estate was one penalty of default.

Management by a lessee difficult if not impossible.

Mr Duncan not responsible for estates being rendered liable to sale

The transformation of a lessee without rights into a chief owner was deliberately made by Mr. Duncan, but this change was in itself a beneficial one, and the ownership conferred on the lessee was taken not from his co-sharers, whose privileges remain unchanged, but from the Rajah of Benares.

Ownership conferred on lessees beneficial.

The real blot upon Mr. Duncan's settlement proceedings was—

Real blot upon Mr Duncan's settlement was—

THE NEGLECT TO PROVIDE FOR THE MAINTENANCE OF THE OWNERSHIP OF SUBORDINATE SHARERS AFTER AUCTION-SALE.

The cause of this neglect it is easy to discover. Mr. Duncan had for eight years realized the land-revenue without resort to sale. In Regulation VI., 1795, he had provided six milder processes for the realization of revenue to be adopted before sale, and Government had pledged themselves, in their despatch of 1794, that resort to the sale process should be had only in the most flagrant cases of culpable default.

Mr. Duncan provided six milder processes for realization of revenue.

Sale only in case of flagrant default.

His prescience was great, but it was not so great as to enable him to foresee that from the day of his departure from Benares, auction-sales would be the sole coercive process resorted to in every case of default, and that the transfer of the trial of revenue suits to the Civil Courts was equivalent to the negation of all justice and the introduction of a reign of universal anarchy.

Mr. Duncan could not foresee that sale would be the only process resorted to.

Amongst the defects in Mr. Duncan's settlement proceedings was the neglect to fix the limits of estates, and to set up boundary-marks. At first, when the cultivated lands of villages were on all sides surrounded by a fringe of waste or wood, boundary disputes were less common; but when, with the progress of cultivation, the wood and waste disappeared, and the cultivated lands of one village bordered upon those of another boundary, disputes became most frequent, and resulted in affrays numerous and sanguinary, and in ruinous litigation.

Neglect to fix and mark the limits of estates.

Boundary disputes became most frequent

Mr. Duncan in his letter to Mr. Neave (quoted in page) on the subject of the settlement, laid down a principle of the utmost importance, *viz.*, that lessees should be as numerous and estates as small as possible. The neglect to carry out this principle was perhaps the greatest defect in his settlement proceedings. In all parts of the province, but especially in Ghazeepore, he granted leases for estates of large size, owned by a body of proprietors who could be counted by hundreds and even by thousands.

Mr. Duncan's principle of small and numerous estates

Not carried out.

Leases in Ghazeepore of large estates.

The following tabular statement shows the estates of the Ghazeepore district containing more than 5,000 acres, owned each by a numerous body of proprietors, as constituted at the permanent settlement. The remarks attached to each show that of them only four estates escaped auction-sale or confiscation, although in three of those sold or confiscated the original proprietors were afterwards restored to possession.

I.

List of revenue-paying estates above 5,000 acres which have been and still continue to be in the hands of original owners.

Pergunnah.	Estate.	Area in acres.	Remarks.
Kharid ...	Kharowni ..	8,431	Held under Government management.
	Talooka Sukhpoora ...	7,918	
Zamania ...	Talooka Chowdhri Mahamad Ajmal ...	11,767	
	Gahmar ...	13,012	

II.

List of revenue-paying estates above 5,000 acres now in hands of original proprietors but which having been transferred were subsequently restored to them.

Pergunnah.	Estate.	Area in acres	Remarks.
Kopachit ...	Talooka Baragaon ...	10,104	
Khareed ...	Talooka Maniar (with the exception of two pattis, ...	13 144	
Zamania ...	Sherpoor ...	29,745	

III.

List of revenue paying estates partly in possession of original proprietors and partly in possession of strangers.

Pergunnah	Estate.	Area in acres.	Remarks
Bullia ...	Sheopúr Gangbarar ...	9,086	
	Shahpúr Gangbarar ...	9,123	
Khareed ...	Tal Maha Singh ...	14,950	
	Tal Fateh Rai ...	5 115	
	Tal Raghúnath Singh ...	10,690	
	Tal Lakhmi Rai ...	14,539	
	Tappa Majhose ...	13,426	

IV.

List of revenue-paying estates wholly in possession of auction-purchasers or their representatives.

Pergunnah.	Estate.	Area in acres.	Remarks.
Bullia ...	Dighár ...	5,789	
	Doorjanpur ..	5,509	
	Talooka Haldee ...	10,090	
Khareed ...	Talooka Súrjan Singh (one portion)...	6,465	
	Ditto (2nd portion) ..	4,400	
Doaba ..	Chandiara ...	8,640	
Zamania ...	Gaighat ...	10,804	
	Usia ...	6,709	
	Bara ...	6 184	
	Umarganj ...	8,465	
Mohamdabad ..	Birp or ...	6,152	

Mr. Duncan much inclined to ryotwaree system

It is probable that if Mr. Duncan's mind had not been influenced by the deference he felt for the opinion of Lord Cornwallis and of his great advisers, Mr. Law and Sir J. Shore, that his revenue system would have been either wholly ryotwaree, or that the ryotwaree element would have prevailed in it to a greater extent than it did.

Report of Ram Chund, amil of Bullia

There is a passage occurring in the report of the wise Ram Chund, the Bullia amil, which appears to me to indicate the only course of procedure which can give any permanent prosperity to an estate in which the shareholders are numerous and the principle of hereditary right is at variance with the facts of possession, *viz.*,—A RYOTWAREE SETTLEMENT, WITH PROPRIETARY CULTIVATORS AT FAVOURABLE RATES.

"I told the zomindars and managers of the village that in the next year I would take kabooliats from all those of them who could give a creditable surety, and obtain the consent or goodwill of the ryots, or that otherwise I would keep the collections kham, yet that they should not be negligent, but remain attentive to the protection of the ryots, and that THEY SHOULD BE FAVOURED (AS USUAL) IN HAVING THE RATES OF THEIR OWN CULTIVATION (KHOODKASHT) ON EASIER TERMS THAN THE COMMON ONES, by

which they are pleased and happy; but the disputes about their putteedarees or shares are so intricate and involved, that to settle them all according to strict justice would require a length of time; some dating their claims from eight, others from nine descents, so that it appears best to me that all the putteedars should, in proportion to their respective abilities, carry on as much cultivation as they can on their own account, OBTAINING ALSO SOME FAVOUR IN REGARD TO THE RATES PAYABLE BY THEM, AND DESISTING FROM DISPUTES WITH EACH OTHER; BUT THAT NEVERTHELESS SUCH AS CAN GIVE a creditable security and a razynama from the ryots shall have kabooliuts taken from them, after adjusting the claims of the partners, or otherwise, that such places be given to an improving and creditable farmer."

Procedure of Ram Chund in accordance with ancient usage.

The procedure recommended by Ram Chund is in accordance with the old customs of the country, whereby, as was remarked by Mr. Duncan in his letter to Mr. Neave, dated the 12th December, 1789, relative to the Kurrenda settlement—THE LANDS PERSONALLY CULTIVATED BY ZEMINDARS EXCLUDED FROM MANAGEMENT OF THEIR ESTATES ARE ALWAYS LET TO THEM ON MORE MODERATE RATES THAN OTHER LANDS.

Distribution of property altered in course of time.

In every estate owned jointly by a large number of shareholders, throughout the province of Benares, and probably throughout India, circumstances have occurred in the course of ages to alter the distribution of property, which would have resulted from invariable adherence of the principle of hereditary right. Men favoured by former rulers of the country, or themselves powerful or industrious, have become possessed of more than their ancestral share of the joint estate, while on the other hand the oppressed, the imbecile, and the idle have lost some of their ancestral property: and between these two classes a conflict, it will be found, invariably exists; the representatives of the latter claiming the enforcement of the principle of hereditary right, while those of the former class urge that the facts of possession are to be primarily regarded. In the revision of the settlement proceedings of 1840 an attempt was made to adjust these differences in accordance with the principles of hereditary right. In Mr. Duncan's settlement proceedings these disputes were disregarded, nor was any principle for the decision of them adopted. It is impossible to discover whether Mr. Duncan favoured the principle of possession, or that of hereditary right. The shareholders were all lumped together, and allowed to ruin themselves without the provision of any courts competent to decide their inevitable disputes, and without the enactment of any principle for their adjustment.

Men industrious or powerful increased their share.

Oppressed, or imbecile or idle lost a part.

Conflict between hereditary right and actual possession.

Mr. Duncan's settlement disregarded disputes.

Difficulty to ascertain Mr. Duncan's views.

Settlement in 1785 by Nawab Shureut Oolla in the highest degree successful.

The settlement made by Nawab Shureut Oolla in 1785 A. D., was strictly in accordance with the principles recommended by Ram Chund, and, as has been noticed in the last chapter, it has in the highest degree conduced to the prosperity and peace of the old land-owners, who, though excluded from village management for the past hundred years, are happy and well off.

Ryotwaree settlement with dispossessed landholders.

The formation of a ryotwaree settlement with those landholders who have lost their estates through the malignant operation of the sale law and of the system of misgovernment established in 1795, is even now the one remaining hope for placing the revenue system of the Benares province and of the whole presidency of Bengal on a footing of permanent prosperity.

No rule for ascertaining profit to leaseholder to be found in Mr. Duncan's proceedings.

It is worthy of remark that in the whole of Mr. Duncan's proceedings no rule is to be found for calculating or adjusting the amount of deduction on the gross collections to be allowed to the leaseholder of an estate as his margin of profit. In the Lower Provinces

10 per cent. was allowed, and in Benares in 1803, when land was taken up for public purposes, the profits of zemindars were calculated at this rate. The only regulation on this subject issued by Mr. Duncan, is that to the kanoongoes in 1789, which has been noticed, *viz*,—"That a reasonable surplus should be left to the zemindar or farmer."

In Lower Provinces 10 per cent. allowed.

Notwithstanding the defects which I have noticed in the settlement proceedings of Mr. Duncan, and in spite of the unfavourable influences to which it was subjected, yet, taken as a whole, there can be no doubt that his settlement was an excellent one, and has conduced in a wonderful degree to the happiness of the country.

Upon the whole, Mr. Duncan's settlement excellent.

The Settlement Officers of 1840 who minutely examined every village in the country, and who had the advantage of a two-fold survey, *viz.*, that of pergunnahs and the boundaries of villages by skilled European surveyors, and of fields and other internal divisions of villages by trained natives, were all astonished at the general fairness and equity of the assessments which, with means so imperfect, had been made.

Fairness and equity of it proved in 1840.

A letter received in 1872 from Mr. Charles Raikes, C.S.I., who was a Settlement Officer in India in 1840, and who served afterwards in the Upper Provinces and the Punjab, states very strongly his impression of the general prosperity of the land-owners and cultivators of Ghazeepore, compared with those of other parts of Northern India.

I doubt not that similar opinions are for the most part held at the present day by Revenue officers who have had experience of other parts of India. The well-built and comfortable houses of the people, and the boundless extent of rich crops, bespeak general prosperity, while the massive ornaments of silver and gold worn by the tens and even hundreds of thousands of women, who may be seen at the Bullia fair, indicate the existence of much wealth widely distributed.

General prosperity of country.

While the enormous sums, sometimes as much as one hundred rupees per acre, paid for the purchase or mortgage of *tenant right*, more particularly in the Bullia subdivision, proves at the same time how favourable are the terms upon which the old cultivators hold their land, and how much capital is held by the humbler classes of the community.

In a case before me this day, July 20th, 1876, for the mortgage of ten acres of land held on a cultivating (non-proprietary) tenure, Rs. 1,000 has been advanced to the tenant.

CHAPTER VIII.

JUDICIAL ADMINISTRATION OF MR. DUNCAN.

PREVIOUS to the cession of Benares to the Company, and until the year 1781, the administration of justice in the whole province subject to the control of the Rajah, had been entrusted to the amils or native collectors of revenue, who in the exercise of this trust were guided chiefly by unwritten customs.

Up to 1781 administration of justice in hands of amils.

In the city of Benares certain judicial powers in civil suits were lodged in the superintendent of an office called the "Amanut Dufter." There were police officers called kotwals in the city of Benares, and in the towns of Ghazeepore, Jounpore, and Mirzapore.

"Amanut Dufter" in Benares city.

"Kotwals."

Some account has been given of the establishment by Warren Hastings of the Benares city court in 1781, and of its subsequent history.

Benares city court.

Prior to the appointment of Mr. Duncan, the native chief magistrate was independent of the Resident. He received more than double the salary of the Resident, and corresponded directly with the Governor-General in Council; but in May, 1788, the appellate and controlling jurisdiction over the Benares court was conferred upon the Resident. The jurisdiction of this court did not extend beyond the city of Benares.

Under native chief magistrate, independent of Resident.

In May, 1788, placed under the Resident.

At Mirzapore there was a civil court, the constitution of which is thus described in Sir G. Barlow's Benares Trade Report of August, 1787:—

Civil court at Mirzapore. Described by Sir G. Barlow.

"The mode of administering justice at Mirzapore is by no means favourable to commerce. This important trust is exercised by a person who farms it of the Rajah. I could never meet with any written proceedings of this Court, but I understand that when the cause is settled the parties are obliged to interchange releases, and the person gaining the cause pay 4 annas per rupee upon the amount of the claim. It is unnecessary to remark upon the little confidence which the merchants can have upon the decision of a court thus constituted, and how ill it is calculated to re-establish those ideas of the security of property so necessary to the prosperity of commerce."

Throughout the rest of the province there were no civil courts, and *Dhurna* were the only methods for the recovery of debts. Wealthy and powerful creditors were accustomed to imprison their debtors in their own houses and to starve and beat them till they either paid up their debts or died.

No other courts in the province.

Brahmin creditors, and to some extent men of other castes, when unable to seize their debtors, were in habit of sitting "dhurna" at their doors till they received payment or died of starvation. Although the rates of interest in force (sometimes as high as 40 per cent. per annum) were sufficiently high to tempt lenders, yet for persons who were unable to kill their debtors, and unwilling to sacrifice their own lives it was wiser not to advance loans.

Brahmin creditors sat "dhurna."

Rate of interest 40 per cent.

In 1786, A. D., a court of justice for the country, hence called Moolkee Adawlut, or Country Court, was established, but only for the trial of cases referred to it by the Resident, and with powers and jurisdiction so circumscribed as to render it practically useless.

In 1786. Moolkee Adawlut established.

In October, 1787, the Resident was invested by Government with the general control of the administration of justice of the province, and was directed to provide for the establishment of new courts at the towns of Ghazeepore, Jounpore, and Mirzapore, and to place the establishment of the Country Court on a proper basis.

In October, 1787, Resident directed to establish courts

in Ghazeepore, Jounpore, and Mirzapore.

In December of the same year he was further instructed to establish in Benares, under his own immediate superintendence, a commercial court for the trial of all complaints and disputes arising in the course of trade, or in the collections of the custom duties.

Commercial court in Benares.

In January, 1788, Mr. Duncan established the Ghazeepore town court of which a Mahomedan Moulvie was appointed chief judge, on a salary of Rs. 400 per month. The police of the town were placed under his control. The whole cost of the establishment of the court and of the police was fixed at Rs. 774 per mensem.

In January, 1788, Ghazeepore town court established.

The Judge was authorized to sentence to twenty stripes or a week's imprisonment without reference, and was directed to submit for the Resident's approval any cases in which he wished to inflict a more severe punishment. The Governor-General subsequently directed that cases thus referred should be submitted for the opinion of "the learned in the law," according to the custom in the Mahomedan courts of the Naib Nazim.

Powers of the native judge.

In civil cases an appeal to the Resident within two months was allowed, and his decision was final in all cases where the cause of action did did not exceed Rs. 1,000. In more important cases an appeal to the "Sudder Adawlut" of the Governor-General in Calcutta was allowed.

Appeal to Resident in civil cases,

and to Sudder Adawlut in Calcutta.

The Mahomedan Law was to be the rule in criminal cases, and in civil cases the law of the religion of the defendant; a rule which in October, 1788, was made applicable to the Benares city court. The jurisdiction of the courts did not extend beyond the town.

Mahomedan law to be followed.

Jurisdictions.

The following are some of the questions proposed by the native judge upon his first appointment, together with the replies of the Resident.

Questions to Resident by native judge upon his first appointment.

Q.—1*st.*—Let not the words of calumniators and evil-intentioned persons be approved without proof?

A.—They shall not.

Q.—2*nd.*—Let the officers of the Adawlut be of my choice, for if recommendations be made, the business of Government will not be well executed?

A.—No recommendation shall be made.

Q.—3*rd.*—I will not accept of the recommendation of any one but yourself. If any complaints be made to you on this account, let it not make any impression on you without proof?

A.—Certainly no recommendations are admissi ble in the administration of justice.

Q.—4*th.*—Let the revenue collector of Ghazeepore be prohibited from hearing the causes that arise in the town, and let him be directed to send them to the Adawlut, and let him transfer the town people now in custody on civil and criminal charges to me?

A.—An order will be issued to the Rajah in conformity to this request.

Q.—5*th*—Am I to hear or not complaints by the zemindars against the amil or collector of the revenue?

A.—No, not revenue causes.

Q.—6*th.*—The canzy and mooftee of Ghazeepore attend to seal the decisions; are they to have wages or fees? As I understand that they have now no settled russoom (or fees), I hope you will fix their fees that they may take those and nothing more?

A.—Their seals are not necessary on the decisions. The seals of the court and the attestation of the court moulvie and Resident being sufficient.

7th.—As the institution of the Adawlut is intended for the general welfare and security of all persons, high and low, who live in Ghazeepore, I therefore represent that if the authority of the collectors of the revenue and customs remain over the inhabitants, relative to the exactions of fines, nuzzerana, bhent, and bigar, the inhabitants will still continue greatly distressed. I therefore propose that they be ordered not to interfere, and if they have occasion to seize or confine any of ryots here, they should first give me notice, and be prohibited from collecting anything in the town, exclusive of the duties on goods that are imported.

Answer.—The collectors of revenue and customs retain no authority in the administration of the public concerns of the town, but in case of a man who is in balance of revenue and takes refuge in the town, you are, on the application of the revenue collector, to commit him to such collector that the revenue in demand from him may be realized.

9th.—Be pleased to direct how the prisoners are to be supplied with provisions?

Answer.—Prisoners confined on civil actions are to be supplied by the plaintiff with an allowance equivalent to their subsistence or in case of the plaintiff's neglecting to make such an adequate allowance such prisoners are to be released. In regard to persons confined for criminal offences, you are daily to supply them with a sufficient subsistence, which will be defrayed to you by me at the end of every month.

11th.—As this is a great thoroughfare for the military passing and repassing and also for English gentlemen, many broils are occasioned by seizing people, &c., and the ryots and poor people of the town are thereby greatly distressed, which is the occasion of many disputes, disturbances, and difficulties. I hope you will therefore be pleased to order that no one shall seize people against their will or take anything by force, and that you will publish an advertisement to this purport, and furnish me with a copy of it, that I may know how to act; and if any gentleman passing here should be in want of servants or people, I will, on his applying to me, get him supplied, and settle what he is justly to pay for their allowances. If this take place it will be a great and lasting benefit and relief to the inhabitants.

Answer.—No persons are to be seized. I will leave an advertisement with you to this purport in English, which you may send as occasion may require by a chouke-dar or peon to such gentlemen, and they will certainly attend to it; but in case of any European soldiers happening to come into the town, and from drunkenness, madness, beating, or ill-using the people, you will send a party of the guard of sepoys that will remain stationed with you, and having seized such person or persons send him immediately in a boat to me to Benares, giving the sepoys who may accompany him the wherewithal to supply him with victuals on the road."

Constitution of Ghazeepore Court approved by Government.

Courts established in Jounpore and Mirzapore.

Hindoo Judge of Mirzapore accused of corruption.

The constitution of the Ghazeepore court met with the fullest approbation of the Governor-General, and was made the model of those established in March, 1788, in Jounpore and Mirzapore. The Judge of Jaunpore was also a Mahomedan. The Mirzapore Judge, a Hindoo, seems to have been inferior in respectability to those of the other courts, and complaints of corruption were subsequently preferred against him.

Proposed extension of jurisdiction of Town Courts not carried out.

In 1789 Mr. Duncan proposed to extend the jurisdiction of the Town courts (for debts, &c.,) to the districts, and his proposal was approved by Government, but on further consideration the extension of jurisdiction appeared to him unadvisable, and was not carried out.

These Town Courts on the whole appear to have worked well, and their abolition in 1795, and the substitution for them of Courts presided over by Europeans, was probably an unwelcome change to the inhabitants of the towns.

After the establishment of the Town Courts the next measure of importance undertaken was the reform of the Country Court, the authority of which had, according to the Government order of February 29th, 1788, "long fallen into contempt among the inhabitants from the irregularity of its proceedings and the supineness of the persons entrusted with the management of it."

Reform of Country Court.

In October, 1787, the court had been divided into a civil and criminal branch, the total costs of which were Rs. 567 and Rs. 201 per mensem respectively.

In 1787, court divided into civil and criminal branches.

The salary of the chief Civil Judge of the whole country was Rs. 150 per mensem, while the Chief Criminal Judge received the munificent salary of Rs. 60 per mensem. Mr. Duncan raised the salary of the Chief Civil Judge to Rs. 500, and that of the Chief Criminal Judge to Rs. 400 per mensem, and provided them with an efficient and well-paid staff of subordinates.

Civil Judge's salary raised from Rs. 150 to Rs 500.

Criminal Judge from Rs. 60 to Rs 400.

In civil cases an appeal lay to the Resident, while in criminal cases the sentences were subject to his revision.

Appeal to Resident in civil suits.

The Country Civil Court was invested with a general jurisdiction in all civil cases and suits for land throughout the province except in the city of Benares and in the three chief district towns, but it had no jurisdiction in rent cases which were decided by the Resident or the amils.

Country Civil Court jurisdiction.

For the abolition of the old methods of recovery of debts, proclamations were issued on the 13th July, 1789, that persons convicted in a Court of Justice of having confined another for debt should forfeit all claim to the debt or pay damages at the discretion of the Court.

Abolition of old methods of recovering debts.

On the 2nd November, 1792, a similar proclamation was made prohibiting the practise of *dhurna* on pain of expulsion from the province and forfeiture of all right and title to the property claimed.

"Dhurna" prohibited.

In January, 1789, the amils of the province were subordinated to the Chief Judge of the Criminal Court in their capacity of Police Officers, and in the same month a gallows was erected in the city of Benares to strike awe into the minds of the evil-minded, as, before that date, capital punishment had rarely or never been inflicted even for the most heinous crimes.

Amils subordinated to Chief Criminal Judge.

Gallows erected in Benares city.

It was found that notwithstanding the establishment of the new Courts persons still presented petitions to the Resident for the redress of all grievances, and the Courts made delays in the investigation of cases not specially referred to them by the Resident, a proclamation was therefore published in November, 1789, directing the Judges of the several Courts to try all cases without waiting for orders of reference, which would be granted only in cases of complaint against the procedure of the Court.

Petitions still presented to Resident.

Delays in the Courts.

In the Regulations of January, 1789, the Judge of the Country Court was prohibited from administering any of the oaths described in the books of the Hindoos, excepting the oath on the water of the Ganges.

Oaths on Ganges water.

The Judge subsequently asked permission to administer the oath in use among the Hindoos called the "Hurbunse" oath which, rests the proof of the fact to be determined by the contingency of any evil or misfortune befalling within a certain number of days the family connections or property of the person swearing, but was informed on the 1st February, 1791, that such oaths were not allowed.

"Hurbunse" prohibited in 1791.

On October 14th, 1791, the Governor-General in Council authorized the admission of trial by the *gola*, or red hot ball—a form of oath for the adjustment of disputed boundaries in cases in which the parties preferred this mode of decision to reference to the regular courts of justice. Cases of the employment of this oath, which was in reality a trial by ordeal, are numerous. It was administered in the settlement of the great Zumania boundary dispute (still being fought in the Ghazeepore Civil Court,) and in January, 1792, I find the mention of a boundary case in which the "discontented litigants wished that the ordeal of the red-hot ball might be used for the test."

Governor-General authorized trial by "gola" or red-hot ball in 1791.

Used in the Zumania boundary dispute.

Notwithstanding the prohibition of the Hurbunse oath, I find that it was still used in 1795, in which year a boundary dispute was settled by it. On that occasion the claimant laid down the boundary, and swore to its truth on penalty of mischief befalling his family within a certain limited time if his claim were false. When the stated time had expired, the kanoongoes reported that no mischief had befallen any of his family and recommended that the boundary provisionally laid down should be declared absolute. The opposite parties, however, averred that a death had within the time occurred in the family, and applied to have the boundary removed, and entered into recognizances to prove the truth of what they said.

"Hurbunse" oath used in 1795.

The administration of the police by the Amils, and of justice by the Courts when fully organized and in good working order, appear to have been on the whole satisfactory. There was generally a considerable degree of security of life and property throughout the province. Gang-robberies accompanied with murder, torture, and arson, which in the beginning of the century became so terrible a scourge in Bengal, have never been common in the province of Benares. Affrays, which a few years later than Mr. Duncan's time became frequent in Benares, were not numerous during his administration, and there was probably less of burglary and theft then than at the present day.

Administration of police and courts satisfactory.

Gang robberies never common in Benares province.

Affrays not numerous during Mr Duncan's time.

Mr. Duncan had, in the administration of justice, peculiar difficulties to contend with, from the utter absence of all law and order in the neighbouring country of Oudh, from the wild and lawless habits of some of our own subjects, from the arrogance of foreign princes settled in Benares, and from the absurdities and anomalies of the Mahomedan law. It may be interesting to give some account of these.

Difficulties in administration of justice

During the greater part of the administration of Mr. Duncan, the peace of the province was disturbed by rebellions, tumults, and predatory invasions on the Oudh borders. An extract has been given from his report of the 26th April, 1789, describing the lawless habits of the Rajkumars, Bais, and Bassaynes of the northern part of the Jounpore District. Of these rebellious tribes the most troublesome chiefs were Sultunut Singh, Bisayne, and Zalim Singh, Rajkumar.

Peace of Benares Province disturbed by Oudh people.

And by Rajpoot tribes in Jounpore.

Sultunut Singh, of the Bisayne tribe of Rajpoots, was the Talookdar of Budlapore, an independent talooka in pergunnah Raoree, to the north of Jounpore. During the administration of the Rajahs of Benares he had been allowed the management of the talooka at a moderate revenue.

Sultunut Singh, Bisayne, Talookdar of Budlapore.

His dilatoriness in paying his revenue was overlooked, and he was allowed to do very much what he liked, and on this footing peace was tolerably maintained. The banker, Sheo Lall Doobe, when

His faults overlooked and peace maintained.

entrusted by Mr. Duncan, in 1789, with the management of the Jounpore district, seriously compromised the tranquillity of the country by granting a lease of Budlapore at an enhanced revenue to some kinsmen of Sultunut Singh who were at enmity with him. This lease was cancelled by Mr. Duncan as soon as he heard of it, and things remained in *statu quo* till 1793. In that year Sultunut Singh neglected to pay his fixed revenue, and it was realized by Sheo Lall Doobe from the persons who had given security for its payment. The sureties upon this went to Budlapore, and for a month sat *dhurna* before the door of the Talookdar's fort in the hope that he would repay them. When they found that their hopes were vain, they suggested to the amil that the seizure of Sultunut Singh could easily be effected by the detachment of a company of sepoys. This attempt was made and failed. The chief escaped with one hundred and fifty of his followers into the Oudh jungles from whence he made constant incursions into the Jounpore District, burning and plundering the villages of the peaceable inhabitants. Mr. Treves (at the time Acting Resident) published a notice of the auction sale of the estates of the fugitive, but this proceeding was censured and cancelled by the Governor-General. Mr. Duncan on his return, endeavoured, but in vain, to induce Sultunut to surrender himself, and made an unsuccessful attempt to arrest him. No help was to be looked for from the Oudh authorities, and without it an attack on this formidable rebel was impossible. The Resident therefore proposed to make his infant son Talookdar, in the hopes that Sultunut might thereby be induced to give up hostilities. This proposal does not seem to have met with approval. But Government afterwards sanctioned Sultunut an annual allowance on the condition of his abstaining from his plundering incursions. This arrangement succeeded tolerably well for a while, but in June, 1796, Sultunut began his incursions with redoubled vigour, burning and plundering all before him. In December, 1796, a reward of Rs. 10,000 was set upon his head by order of Government. In the following year Sheo Lall Doobe succeeded in surprising him and cut off his head, and in reward for his services obtained, besides the promised reward, a grant of the Talooka of Budlapore at a perpetual moderate revenue, with the added dignity of the title of Rajah of Jounpore.

Sheo Lall Dobe leased Budlapore to an enemy of Sultunut Singh.

Cancelled by Mr. Duncan.

Sultunut Singh became a defaulter in 1793.

His sureties sat "dhurna" for a month in vain.

Attempt to capture him failed.

And he escaped into Oudh.

His estates advertised for sale.

Cancelled by Government.

Mr. Duncan failed to bring him to terms.

Government pays Sultunut Singh black mail.

Broke out again in 1796.

Government offers Rs. 10,000 for his head.

Sheo Lall Doobe surprised him, cut off his head, and obtained rewards.

Zalim Singh, a chief of the Rajkumar tribe, had his chief residence in the Aldeh Mhow pergunnah on the Oudh border, where he paid a land-revenue of Rs. 25,000 to the Nawab Vazir.

Zalim Singh Rajkoomar.

Unfortunately for the peace of the country he also held two important talookas in the Jounpore District. He lived in a state of chronic war with his neighbour Sultunut Singh, and with a Mahomedan chief, Himut Ali, who was himself one of the greatest disturbers of the public peace.

Had two Talookas in Jounpore.

In chronic hostility to Sultunut Singh and Himmut Ali.

In the beginning of Mr. Duncan's administration, Zalim Singh, after burning several villages, and committing great devastations in Oudh, came into Jounpore with a rabble army of several thousands of his followers. One of the rebellious Bisaiynes of Jounpore, Goordut Singh, took advantage of the general disturbances to attack the house of a kinsman against whom he had a grudge: he burnt it to the ground, and fourteen members of the family lost their lives in the flames. Mr. Duncan, in his report of the 26th of April, 1789, giving some account of these border tribes, says,—"I shall not attempt to describe how much I was affected on the receipt of this distressing intelligence, for although

Goordut Singh burns the house and 14 of the family of an enemy.

Mr. Duncan reports on these outrages.

there be unfortunately no want of precedents of similar acts of barbarism and wild cruelty, insomuch that such burnings are the common engine of revenge in that part of the frontier, yet there were so many lives lost in this single instance—*viz.*, fourteen persons—that under this point of view it did, I believe, exceed what has for the most part been before experienced in the case of any one family. I have done and shall do every thing in my power to alleviate the unhappy survivor's loss and sufferings, as well as to apprehend the murderer who has taken refuge either with Zalim Singh or with some other Rajkoomar; but not only the Amil of the Nawab Vazir's pergunnah of Aldeh Mhow, but the Prime Minister of His Excellency at Lucknow, declare their total inability to cope with so powerful a rebel as Zalim Singh, and therefore avowedly allow of his setting their country in flames with impunity. This dereliction of all government on their part must evidently appear to your lordship a very great obstacle to the beneficial or successful operation of any regulation on this side the frontier, as those who are affected by them have only to pass over to the Nawab's dominions where they are secure from our pursuit, and can, every night, return to commit the most atrocious depredations in the Company's dominions.

Force under European officer causes Zalim Singh to retire from Jounpore.

By sending a force under a European officer against Zalim Singh, Mr. Duncan induced him to retire from the Jounpore district and to enter into an agreement to pay the annual revenue of his talookas. He continued during the whole of Mr. Duncan's administration to give trouble. It was impossible to surprise him, and whenever attacked in force he was accustomed to take refuge in his forts in Oudh. Measures of coercion were of no avail, and Government was obliged to resort to the expedient of allowing him black mail. In September, 1795, he was, by a Government order, maintained in possession of his two Jounpore estates, on condition that he would not enter the Company's dominions in a hostile manner.

Government obliged to pay Zalim Singh black mail.

Boundaries between Jounpore and Oudh unsettled

Lieutenant Wilford deputed to mark off boundaries.

Stopped by Himut Ali.

The unsettled state of the boundary between Jounpore and Oudh was a constant cause of disturbance. The Nawab Vizier was willing that it should be amicably settled; and with his concurrence Lieutenant, afterwards Colonel Wilford was deputed to mark off the boundary in conjunction with the Oudh officials, but their proceedings were stopped by the insolent attack of Himut Ali, one of the Oudh talookdars, whom the viceroy was wholly unable to control.

Ghazipore district also disturbed by Azimgurh people.

The peace of those pergunnahs of Ghazeepore which bordered on Azimgurh was liable to constant disturbance owing to the rebellions in that part of Oudh, caused by the cruelty and exactions of the Nawab Vizier's amils. The following extracts from letters of Mr. Duncan to the Resident of Lucknow illustrate the state of affairs:—

Mr Duncan's letter to Resident of Lucknow thereon.

"You have probably learnt that there has been for this fortnight past an open and very general sedition and rebellion of the Vizier's subjects and Sihbundy corps in Azimgurh; the former have as I learn, repeatedly attacked several parts of that district, and the latter have held the amil, Rámdin, in confinement for their arrears. In short, the completest confusion overspread that country, in consequence of which the district of Benares is also involved; for the insurgents have within these ten days made repeated inroads into our pergunnah of Shadiabad, where they have drawn off the cattle, and made otherwise all the booty in their power. I have requested the commanding officer at Jounpore to send a party for the protection of that district, but they are unable entirely to protect it from surprises by night, and it is with some difficulty that I can restrain the zemindar of Shadiabad from making reprisals on Azimgurh.

"It is also a fact admitted by Ramdin, the amil's vakeel himself, that only a few days ago a battle was fought in Azimgurh between two powerful bodies of these insurgents, when 400 men at least and some (say) 600 were left dead on the field of

battle. It may thence be judged what authority the amil has left; however, I should certainly not have at all troubled you or the minister on a subject concerning only His Excellency's own interior government, but from these disturbances happening so much in our own vicinity, I am so liable with the country under my charge to be involved in their concerns."

Jugurnath Singh Bais of Sekunderpore pergunnah a most troublesome disturber of the peace.

One of the most troublesome disturbers of the public peace, and for some years afterwards, was Jugurnath Singh, chief of the Bais Rajpoots of the Sekunderpore pergunnah which bordered upon the Gogra in the extreme east of the province. He was descended from the old talookdars of Nagra, but had been deprived of all his estates by the Rajahs of Benares, and in their time was accustomed to wander about the country with a band of armed followers, levying exactions on the villagers and behaving very much as the noted rebel Sungram Singh was wont to do in the Jounpore district for ten years after the mutiny or rebellion of 1857.

Arrested, but released by Mr. Duncan on security of the Sengurh tribe.

After Mr. Duncan's appointment to the administration he continued his depredations and was arrested and brought in to Benares, but was released at the request of the headmen of the Senghur tribe, who owned the bordering pergunnah of Luknesur and bound themselves to be responsible for his good behaviour and to bring him to Benares when required.

Mr. Duncan endeavours to reform him.

Mr. Duncan made every attempt in his power to reform Jugurnath Singh and to induce him to adopt a peaceable mode of living. Talooka Pursea was first made over to him, but he wholly repudiated the idea of paying any fixed revenue for it. He was allowed to retain one village revenue-free, but he oppressed the villagers in every possible way. Being defeated in an attempt to establish his right to an estate belonging to Mahomedans, of which his ancestors had usurped the possession,

Jugurnath Singh makes unreasonable claims to ownership of all Sikunderpore.

Sunghurs therefore arrested and took him to Benares.

and failing in his claim for Tuppeh Allapore Sureawan, he set up a claim for the ownership of the whole pergunnah of Sikunderpore, and demanded that either he should be put in possession of it, or should receive from Government the money allowance sometimes granted to persons acknowledged as owners but not admitted to possession of estates. The Senghurs finding that he was becoming wholly unreasonable, went with an overwhelming force to his fort, arrested him and brought him to Benares. Mr. Duncan with his usual forbearance, but unwisely, as the event proved, released him on the security of another

Mr. Duncan again released him on security of the Kowsik tribe.

Henceforth he became an open rebel.

Troops permanently stationed on eastern part of Ghazeepore in consequence.

Rajput tribe, the Kowsiks of Taluka Chit. From this time onwards he defied the authority of Government, and establishing himself with a body of armed followers, committed robberies, murder, and arson right and left. Every attempt to seize him was unsuccessful. Troops were several times detached against him, but at their approach he fled across the Ghogra, and after their departure returned again to the neighbourhood of his home. It became necessary from 1795 A.D. to keep a military force permanently quartered in the eastern part of the Ghazeepore district for the protection of the country.

Rs. 10,000 offered for his arrest.

A reward of Rs. 10,000 was offered for his arrest, and at last on the 8th June, 1800, he was surprised by Captain Fulk with a party of cavalry, who made a sudden attack upon him when he was hiding in a

Captured and imprisoned.

wood some distance from his fort. He was sentenced to a long term of imprisonment, and obtained his release only in 1816. Government, after his release, granted him a pension of Rs. 50 a month, and in 1822 he

Released in 1816 and pensioned.

was restored by Lord Amherst to the possession of Taluka Pursea and the village of Russumdar, which are, I believe, still in possession of his descendants. Thus the forbearance of Mr. Duncan found its counterpart in the generosity of the Government of Lord Amherst.

"Dosadhs" in Ghogra delta.

Still commit robberies in Bengal.

In Mr. Duncan's time robbed boats on the Ganges.

At the extreme east of the Ghazeepore district, inhabiting the delta between the Ganges and the Ghogra, there is a robber tribe of low caste Hindoos, if, indeed, they are not rather descendants of the Non-Aryan aborigines called Dosadhs. They number at present in the district 22,655, of whom 260 are known robbers. Gangs of Ghazeepore Dosadhs frequently at the present day commit robberies of boats and houses far from their home in the heart of Bengal, but seldom commit these crimes in their own neighbourhood. In Mr. Duncan's time they were in the habit of attacking and plundering the boats which passed along the Ganges, and were frequently guilty of wanton cruelty on their unhappy victims.

In 1789 200 Dosadhs attacked Gya.

In April, 1789, a gang of two hundred robbers, supposed to be from the Ghazeepore district, and probably many of them Dosadhs, "tall stout men with dark complexions, without clothes, armed with swords, spears, and bows, entered during the night the town of Gya, and after stationing guards to prevent the communication of intelligence to the European Magistrate, who was close by, surrounded and plundered the h ouses of two bankers, and after murdering upwards of twenty persons made off with their booty."

Boatmen are mentioned who twice in one journey fell in with gangs of robbers in the Ghazeepore district. The first gang plundered them of all their money and goods, and the second gang flogged them because they could find on them nothing to plunder.

Letter of Customs-master of Sarun regarding robberies on the river.

The European Customs-master of Sarun wrote to the Resident on the 15th April, 1793, with regard to "the lawless banditti who have for some time past infested that part of the river," and reporting of travellers suffering the most barbarous wanton cruelty from these ruffians, a most shocking example of which was exhibited here this day amongst a party of Bengalee pilgrims returning from Brindaban and Prag, two of whom were hacked in the most dangerous manner, whose lives are despaired of, besides seven men and women who carry dreadful marks of the brutal ferocity of their opponents. This sight, so dreadful and unusual, has struck a general panic, nor will the merchants proceed to the westward but in numbers."

River traders greatly alarmed.

A letter from him to the Resident, of May, 1794, shows that the river traders were still in a state of the utmost terror and dismay from the daring and cruelty of the robbers.

Dosadhs protected and patronized by zemindars in Ghazeepore.

Zemindars of Muneer also robbed travellers on their own account.

As a general rule the criminal classes in India seldom rob except when they are protected by the village zemindars. The Dosadhs of East Ghazeepore were under the patronage of the zemindars, and a gang of 70 robbers paid Rs. 1,000 a year tribute to their patrons. Occasionally the zemindars themselves imitated the example of their retainers, and during Mr. Duncan's time a party of travelling merchants were butchered in the village of Muneer, and their money, Rs. 3,000, was divided among the village owners.

In 1791, Province of Benares invaded by Buddhiks.

Mr. Duncan's account of this incursion, and how he dealt with it.

In the year 1791 (A.D.) the province of Benares was invaded by several gangs of a wandering gipsy-like tribe of robbers called Buddhik or Syr Bujna (jackal slayer), who resemble the Seoree or Sansee tribe mentioned in page 50 of the first part of this memoir, if, indeed, they are not identical with them. Mr. Duncan's account of the incursion of robbers, and of the way in which he dealt with them, merits perusal; it is as follows :—

"I have been informed by Mr. Barlow (Sub-Secretary) that the Nawab Vazir has been written to to cause Gawhy to be apprehended, but I have yet heard nothing of the results, and I have but very slender hopes that any success will attend the application.

"The first remarkable robbery that took place here happened at Jounpore in the beginning of February, and after a long enquiry I have been able to trace and apprehend some of the principal actors in that night's attack, and find that they came from His Excellency's country.

"In the latter end of March a despatch of treasure from Khereed to the amount of Rs 6,000 was intercepted on its way to Benares and carried off by an armed banditti, who I have great reason to believe came from the same country; but as the amil was to blame in allowing such a body of armed vagrants to hover in his district, I obliged him immediately to make good the loss to Government.

"A few days after the said robbery, another, but to a much smaller amount, was effected by, I believe, the same gang by a night attack in a house in Bulliah, in the same neighbourhood.

"These three robberies (which are those alluded to in my letter of the 10th of April) were followed by other petty thefts in other parts of the country, extending for a few nights even into the suburbs of the city of Benares. So that the prevalence of this evil seemed all at once to have overspread the country like an unexpected general calamity; to check which I first ordered all the ghauts to be watched and all suspicious persons to be seized, a precaution which appears to have had at once the effect of alarming those robbers, sundry of whom were thus intercepted attempting to recross the rivers which give to the country of Benares some of the benefits of an insular situation.

"Besides this precaution I took into the pay of Government a certain number of men well adapted from their former habits for the purpose, who dispersing themselves over the country in some parts ferreted out the annoyers of the public or forced them to seek their own safety by a precipitate flight into the Nawab's neighbouring countries of Goruckpoor and Azimgurh, whence I have still reason to suspect that most of them issued.

"In addition to these measures I have employed Mehendi Ali Khan as a separate Commissioner for the purpose of tracing out the thieves and robbers who have for many years past infested occasionally the Sircar of Goruckpoor, and whose chief residence appears to have been in two remote pergunnahs of Khereed and Bulliah, where the unremitted zeal and energy of Mehendi Ali Khan have already drawn several of the most notorious, and from the progress he has already made in his enquiries, I have no doubt but discoveries of very essential importance to the future peace and security of property in that part of the country will be effected.

"Meanwhile the steps thus taken, aided by some regulation of the Kulwar shops (which are the common resort of all persons of ill-fame), seem already to have fully restored the usual security against the reigning depredations which had caused alarm among the inhabitants, and my principal care will now be to follow up the existing researches, as well as how to dispose of a number of culprits who have been, and are being duly apprehended, more especially by Mehendi Ali Khan, whose intentions are perfectly honest and his zeal sincere for the due and advantageous discharge of the commission entrusted to his charge, a duty which it is sufficiently evident could never have been performed by the common and established courts of justice.

"In endeavouring to account for the causes of this extraordinary overflow of robbers which during part of the months of March and April seemed to have, as it were, invaded the country, it was ascribed by some to the general abolition of the interior chowkees, and there is nothing in the way of police establishment substituted in their stead; but were this true the effect ought sooner to have been produced, since

the said chowkees have been abolished for three years past, during which there has till very lately happened, I believe, as few robberies as in any part of India; nor can the late increase of them be ascribed to any relaxation in the administration of justice, since it is well enough known that the criminal branch of it was never more attended to or so regularly kept up as it is at present.

"I confess myself therefore at a loss to what precisely to attribute this late unusual prevalence of robbery, but from those persons who have been yet seized (some of whom are near connections of Gowhy) belonging mostly to His Excellency's dominions, and from its being now fully ascertained that the night attack at Jounpore was made by His Excellency's subjects, headed by Ekla, the son of Gowhy, I think the reason that the country has suffered may in a very considerable degree be justly imputed to the unavoidable effects of its bad neighbourhood.

"It is further remarkable that several of the robbers who have been seized and who acknowledge themselves to belong to Gowhy's gang make no scruple of avowing their occupation, going even so far as to explain that Gowhy parcels out the country for many coss around him among his different followers (the zemindaree of Benares belonging for instance to his son Ekla), and that none of them dare invade the province of another. They speak a language known only to one another, and in that and other respects seem to bear some resemblance to the gipsies in Europe. They openly lament that their decline has been coeval with and proportionate to that of the Mogul empire; for that when it was in prosperity and vigour they had only occasion once perhaps in two or three years to intercept a dispatch of money, lacks of treasure proceeding towards the capital, whereas now they are forced to submit for the mere sake of a livelihood to comparatively petty pilfering. The late Sujahuddowla is said to have entertained many of this caste of men who accompanied and guarded the outskirts of his encampment, but they seem now to have no resource but in open or concealed robbery.

"Were there a due degree of vigilance or justice in the Nawab's Government these freebooters might be got the better of, but whilst Gowhy is himself allowed to be protected by the zemindar or Rajah of Bhansee, where he lives and whence he issues his commands to the various heads of banditti who sally forth under his orders, how can it be expected that the zemindaree of Benares will remain free from their occasional depredations?

"I have only further to mention that as the means I have pursued, and Mehendy Ali Khan's commission in particular, will necessarily occasion some additional expense, I request the sanction of Government for disbursing the amount from the Mulky Treasury."

Lawlessness and daring of Brahmin cultivators

The lawlessness and daring of the Brahmin cultivators have been noticed in the fifth chapter, and some account has been given of the methods they adopted for intimidating the revenue officers and evading the payment of rent. Their audacity and arrogance were, however, not confined to revenue transactions, but showed themselves in all their dealings with their neighbours. The cases of suicide among them and the murder of relatives mentioned in Mr. Duncan's proceedings are very numerous: I shall give only a few of them, taken at random. In March, 1791, a case is noticed in which, because one of their relatives who had committed a murder was made over for trial to the criminal court, 16 Brahmin women shut themselves up in a house, set fire to it, and perished in the flames, "besides which all the effects of the other ryots have, by reason of the strength of the wind, been also consumed by the said flames. Nor have the Brahmins yet departed from their evil courses, but having got together all the dead bodies, they are beating the large drum which they call in Hindooee by the term of Myrdang, meaning

In March, 1791, 16 Brahmin women burnt themselves.

that as those who come to an untimely end become bhoots of evil spirits according to the shasters, they are awakening them."

In March, 1789, a case occurred in which Brahmins cut off the heads of three of their women. and then twenty more of them got upon a thatched roof and prepared to burn themselves.

In 1789 Brahmins cut off the heads of three of their women.

In Mr. Duncan's report of the 2nd of October, 1789, he notices a case where, on a Brahmin having been arrested for debt, "his brother killed their mother under a fanatical delusion that the mother's spirit being awaked by the beating of a large drum for forty days would for ever haunt and torment and pursue to death the persons who caused his brother's imprisonment."

Mr Duncan 1 October, 1789, notices a case.

In December, 1788, a woman burnt herself to death because her husband had been arrested for revenue arrears; and a man who had been angered by some person went home and ripped up his belly.

In December, 1788, a womant burn herself and a man ripped open his belly.

On another occasion a Brahmin having tried to procure payment of a debt by the process of sitting dhurna, after a few days poisoned himself at the door of his debtor, and his relations came in a body and buried him there.

Brahmin poisoned himself at his debtor's door.

The first measure taken to repress these atrocities was the issue of the following proclamation :—

Proclamation of measures taken against these atrocities.

The Resident, taking into consideration the particular propensity which the natives of this country seem to have towards taking poison upon slight pretences, and thinking it his duty to endeavour to check it, in this view the following answer is now written to the Judge and Magistrate of Benares :—

From the Resident to Ibrahim Ali Khan, Judge, Magistrate of Benares.

I have received your letter and understand its contents, and as those persons who in cases of judicial or other proceedings take away their own lives, act contrary to every religion, and commit a great crime in the sight of Almighty God, you are therefore to publish that whoever shall in future thus senselessly become criminal by throwing away their own lives, if such person be a Mussulman he shall not obtain burial, and if a Hindoo, his body shall not be burnt according to the custom of his caste, nor have his funeral rites performed.

Dated 7th March, 1788.

In the next month the following letter was received from the Rajah on the subject :—

Letter from the Rajah on this subject.

Read the following letter from the Rajah :—

Letter from the Rajah, dated 8th April, 1788.

"Whatever orders received from you I send into every pergunnah under the Rajah as you desire, with strict injunctions for the same to be carried into execution. From several Brahmins and other evil disposed and wicked people disobedience is practised to your orders relative to the rahdary and zemindary duties, which are excused from the presence. They are urged to obey; they go about to stab themselves and to swallow poison.

"Wherefore it is politically advisable that you should issue a proclamation, signifying that any one who shall in any matters concerning the revenue, or obedience to orders issued, counteract and disobey the same, and then stab themselves, or take poison, shall meet with condign punishment, and that their goods shall be confiscated, and that they shall be expelled the raj."

Answer is written to the Rajah with a publication such as he requests, that he may publish the same wherever it may be necessary.

In March, 1789, a Brahmin murderer sentenced to death; sentence remitted by Government.

In March, 1789, a Brahmin who had committed murder was sentenced to death, but the sentence was remitted by the orders of the Governor General. The proceedings which took place on this occasion are very curious; they are as follows:—

Proceedings in this case.

"Buddhu, the father of the late Sheopershad, having arrived the day before yesterday from Burhur, in consequence of the Resident's requisition to that effect on the 18th instant, and this day having in consequence been appointed for the assembly of Pundits in the Resident's cutcherry, as directed by the Board's orders of the 4th of February, the Resident did accordingly meet the said Pundits this forenoon in his cutcherry at Madho Dass' gardens, and a translation of the Board's orders of the 4th ultimo having been previously made, the same was, after a proper introduction on the part of the Resident, read over and explained to the Resident's officers, besides which the Resident did himself verbally explain and repeat the same once or twice to the said assembly, and in the presence of Bhawany Buksh and Mayne, the prisoners, as well as in that of Bundhoo, the prosecutor and father of the deceased, to the following purport—"That although the Governor-General in Council has remitted sentence of capital punishment passed on Bhawany Buksh, Brahmin, from a regard to their religious persuasions, and under a hope that no instance will occur in the future of a Brahmin being convicted of so horrid a crime, yet, as the exempting of any description of persons whatever found guilty of murder would, if adopted as a general principle, be injurious to the rights of a large proportion of the inhabitants in the British dominions in Bengal, now composed of various nations and religions, and whose persons and property the British Government at Calcutta is bound to protect; that therefore they do not expect a repetition of this lenity in any similar instance which may hereafter occur, but that in future, should any Brahmin be convicted of the crime of murder, he will be liable to suffer the punishment of death, in conformity to the established usages of the Mahomedan Government.

"The generality of the Brahmins now assembled seem not to disapprove of the above order, but to have a sense of its justice and of the equity and moderation of Government in promulgating before proceeding to enforce a regulation of this kind; as, however, one of them seems to think that the order of Government may be erroneous, from being too general, inasmuch as there are (he observes) several species of the less criminal kinds of homicide, for which practice or an express mode of expiation is assigned, and this pundit showing an inclination to prepare and propound some queries in consequence, the President, to convince these Brahmins that it is only cases of such intentional murder as in the judgment of the criminal court shall render the perpetrators fit objects of kisas or retaliation, that the Board's order has in view, now directs Cashenat, his cutcherry pundit, to deliver to each of the pundits this day assembled a Sanskrit translation of the regulation in the words of the letter from the Governor-General in Council, and with the above distinction fully marked and specified therein. A letter is written to Meer Mohun Wujuh, Judge of the Criminal Moolky Alawlut, informing him that the Governor-General in Council having been pleased to remit the sentence of death passed upon Bhawany Buksh, Brahmin, and directing in lieu thereof the severest punishment which the Hindoo law allows to be inflicted on Brahmins, it is therefore now ordered that the said Judge do, in execution of the aforesaid order, cause the said Bhawany's head to be shaved and the figure of a man without a head to be pourtrayed on his forehead, after which he is to be conducted by the court peons to our frontier on the side of Azimgurh into which he is to be expelled; being also informed that, should he ever be hereafter found in any of the Honorable Company's dominions, such as Bengal, Behar, or Benares, or in his own place of former abode in Burhur, his present punishment shall be repeated; and

further that whatever claims he had or privileges he enjoyed in respect to fees or dues as a Maha Brahmin in the said pergunnah, are done away and taken from him and assigned to Bundhoo as heir to the deceased, to which effect a letter is also written to the Rajah of Burhur."

In 1789 proclamation threatening confiscation of property and banishment of families of those guilty of killing relatives.

In July, 1789, the following proclamation was issued threatening confiscation of the property and banishment of the family of Brahmins guilty of killing their relations :—

"Whereas it hath appeared that sundry Brahmins, more especially in the pergunnah of Budohee and Kuntit have, in violation of the laws of their own religion, as well as of the Government under which they live, from time to time, in resentment towards them by amils in the collection of the revenues, or by individuals their neighbours or others, in respect to the private differences that occasionally arise between them, proceeded to threaten and sometimes actually with their own hands to murder the said females of their families, with a view or fallacious hope of thereby revenging their cause on the party to whom they wildly ascribe such murder from an unfounded and mistaken idea that the spirit of the female Brahmin thus inhumanly sacrificed becomes such person's tormentor, and as such superstitious and atrocious practices cannot be permitted under the English Government, more especially when redress for all real grievances is now so easily to be obtained by application to the Resident or the Rajah, or to the established courts of justice, it is therefore hereby signified that not only the perpetrators of such acts of enormity shall in future be tried at the regular courts for murder and punished accordingly by death upon conviction, but also that the family of such criminal be banished from the district of Benares and the Company's territories, and their lands given to other well disposed and well behaved subjects."

Government unwilling to execute any Brahmin.

Notwithstanding these frequent menaces, Government was unwilling to outrage the popular feelings by the execution of any Brahmins while in jail. The jails were full of them, and they gave the Resident much trouble by refusing food and starving themselves to death. This was brought to the notice of Government in August, 1790, and in October, 1791, Government issued a proclamation that since to put a Brahmin to death is contrary to the books of the Hindoos, therefore from deference to the said religion in cases where, by reason of intentional murder, a Brahmin incurs the penalty of death, he shall be banished to an island called Pulo Penang (Prince of Wales Island) situated in the ocean about a month's distance from Calcutta.

Those in jail starved themselves to death.

Government in 1791 proclaim that Brahmins shall be banished to Pulo Penang.

By a Government order of 29th November, 1793, that place of transportation for Brahmins was changed for the Andamans, which, by subsequent order of the 6th of June, 1794, was made the place of confinement for life prisoners of all castes.

In 1793 Andaman Islands substituted for Pulo Penang.

At the establishment of the Regulation system, Regulation XXI of 1795 was enacted :—"For preventing the Brahmins in the province of Benares establishing koorhs, wounding or killing their female relatives or children, or sitting dhurna." This regulation having, from the gradual reformation of the habits of the people, become obsolete, was ultimately repeated in 1862.

Regulation XXI of 1795 against practices of Brahmins.

During the whole term of Mr. Duncan's administration the administration of justice was impeded by the violent and arrogant proceedings of the native princes (especially the Mahrattas) and their followers, either residing or sojourning at Benares. With regard to the Mahrattas he wrote to Government in 1794 :—"I have long observed with regret that the Mahrattas are in general but very little inclined to be thankful or duly sensible of the many favours

Administration of justice impeded by conduct of native princes resident in Benares.

Especially the Mahrattas.

that they receive in this city from the Company's Government, where although it be no hyperbole to assert that they live much more at their ease and enjoy greater security (not to mention an entire exemption from taxation) than in their own cities, they still occasionally betray a disposition to exact rather than to thankfully receive all these benefits."

Mr. Duncan's report to Government thereon.

On the 9th of May, 1793, the Resident reported to Government—"Madho Rao, the mookhtar of Nana Furnavese, has been committing great oppressions in seizing every boat at the ghâts and beating and confining every person who opposed him."

Madho Rao, mookhtar of Nana Furnavese.

The Ranee of Nagpoor, while in Benares, on the 6th of May, 1792 had one of her servants who had committed a homicide executed by plunging his hands and feet in boiling oil.

Ranee of Nagpoor.

In a letter of November, 1794, Mr. Duncan remarked in a letter to Government:—"The Mahrattas cannot bring themselves to reside here for any time in the character of pilgrims, but are apt too frequently to forget that they are out of the limits of their own sovereignty, whence they make very little difficulty of retaliating either directly or indirectly upon us, either by exerting immediate acts of authority in the town or by urging their recommendations in favour of parties having suits in our courts of justice, or wishing to institute such claims in a manner altogether exceptionable, inconsistent with the impartial administration of justice." With this letter he forwarded a petition from a native complaining of the interference of the servants of the Peshwa's grandmother in a case in which they were in no way concerned. They had in fact taken violent possession of a house the ownership of which was disputed by two traders resident in the city.

Mr. Duncan complains to Government of the Mahrattas.

The following extracts of correspondence between the Resident of Poonah, the Governor-General, and the Resident of Benares, with reference to a proposal of the Peshwa for the demolition of the mosque of Aurungzeb in Benares and for the prohibition of the slaughter of oxen in the holy city, are sufficient illustrations of the position which the Mahrattas assumed in all that concerned Benares

Extracts of correspondence between Resident of Poonah, the Governor-General, and Resident of Benares.

(*Extract of a letter from* SIR CHARLES WARRO MALET, *Bart., Resident at Poonah, to the Right Honorable the Governor-General, dated 25th May,* 1792.)

"Since my last address of the 18th I have sent the following communication from Behroo Punt of the matter alluded to by the minister in my conference of the 15th instant.

"After some preparatory attempts to account for the lateness of the disclosure, Behroo Punt told me that the minister, wishing to benefit by your Lordship and Hurry Pundit being together, had some time since (with his, Behroo Punt's privity) instructed Hurry Punt and Beechagir Punt to apply to you on the *demolition of the Mahomedan mosque built on a holy Hindoo spot on the banks of the Ganges in the city of Benares,* and the interposition of the Governor to enforce a strict police in that city, agreeably to the ideas of this court regarding the preservation of good order in the conduct of the different castes and sects.

"In justice to the general tenor of your Lordship's Government, and in the particular merit of Mr. Duncan's administration in Benares, I could not help expressing my surprise that the concurring testimony of all castes and of all sects of men to the mildness and equity of the Benares Government, and that the irrefragable proof of the happiness of the inhabitants in a rapid increase of population should have failed in teaching the minister that principles of general and impartial justice had

been as carefully observed in ruling that city, as an opportunity of particular indulgence to the Hindoo had been eagerly and generously embraced by your Lordship in the reduction of imposts on pilgrims."

(*Extract of a letter from* SIR CHARLES WARRO MALET, *Bart., Resident at Poonah, to the Right Honorable the Governor-General, dated 8th June* 1792.)

To the foregoing official message Behroo Punt added the following in a confidential form from himself:—

Article 3rd.—"That the mosque at Benares was built on holy Hindoo ground, and his Lordship was requested to grant permission for its demolition and the erection of a pagoda on its site. To which his Lordship had replied that he would write to the Resident at Benares on the subject, and give an answer to the proposal on receipt of his reply.

"As to the articles proposed to your Lordship by Hurry Punt, and which this court now pretends were without authority, I shall suspend all comment till honoured with an authentic account of what has passed from your Lordship; enclosing, however, for your Lordship's information on the important subject of Benares, extract from a late letter from the Resident, Mr. Duncan."

(*Extract of a letter from* JONATHAN DUNCAN, *Resident at Benares, dated* 14*th February,* 1792, *to* SIR WARRO MALET, *Bart, Resident at Poonah, received the March following.*)

"I know not how far I now am in favour with the Mahrattas residing here, but I fear not quite so much as I once was, for notwithstanding all my inclination to a popular character with them, their attempts at establishing a total independence of our Government and courts of justice in the city have been such (especially as far as regards Sindia's people) that I have been forced more than once to interfere to check the wildness of their proceedings and to procure an appearance at least of some respect towards the courts of justice. Indeed all the Mahrattas seem to consider Benares as much more theirs than ours, and it is looked on as a sort of Hindoo republic, where all the nations of India consider themselves as at home; but as there are so many, they should at least consider that it is necessary for their own quiet and security to allow some one authority to be paramount, which is all I want to obtain from them. As an instance of their behaviour (which has become much more troublesome since the war) I shall only cite one case:—A man called Ram Chund Naik had a suit in the Adaulut for a house, which was decreed against him, and in favour of a woman called Aurna Poorna. From this decision he might have appealed to me any time within two months, had he listed, and from me to the Governor-General in Sudder Dowany Adaulat at the Presidency, but he took the shorter way of resisting the execution of the decree, and has at this moment his own peons in possession of the house, in open violation of the decrees of the court and of my letters to him, in reply to which he lately was so condescending as to write that if I insisted on it he must needs yield for the present, but that the house belonged to two or three persons of the Peshwa's family at Poonah, who would no doubt take their own, and that to them he would (if forced) leave it to right themselves."

Mahomedan criminal law another difficulty to Mr. Duncan.

Hindoo evidence not valid against a Mahomedan.

Prosecution by next of kin necessary for full punishment for murder.

The absurdities and anomalies of the Mahomedan criminal law is the last of Mr. Duncan's administrative difficulties which I shall notice. By this law the evidence of a Hindoo was not valid against a Mahomedan. A rule which in a province where the bulk of the inhabitants were Hindoos was almost tantamount to conferring upon Mahomedans immunity from punishment in the criminal courts. For the full punishment of the crime of murder prosecution by the next of kin was, by the Mahomedan

law, required, and in default of this, however clearly a case might be proved, only a slight punishment at the discretion of the Magistrate was inflicted on the murderer. Instances very frequently occurred in which in the enforcement of this principle there were failures of justice. In one case the son and daughter of a woman who had been poisoned with *dhatura* took Rs 32 from the murderer and then refused to prosecute. The heirs of a man whose death had been caused by his suspension head downwards from the saddle of a camel at full-speed, were bribed or terrified into acquiescence in his death by the relatives of the homicide, who were powerful.

Cases of failure of justice.

Mr Duncan found in the city court a murderer who had been six years under trial, because the next of kin of the murdered man was not to be found, although there existed complete evidence of the guilt of the murderer. Mr. Duncan brought the subject before Government in the following letter:—

A murderer six years under trial.

Mr. Duncan's letter to Government on the subject.

"The administration of criminal justice, the superintendence of which your Lordship has been pleased to entrust to my charge in this zemindary is in its nature so delicate and momentous, and I may add so novel in this part of the country, from the little attention heretofore paid to it, that I feel myself anxious to keep your Lordship acquainted from time to time of my proceedings in it, as far at least as new cases arise.

"I this day had before me two cases of theft and robbery. In the first the charge was fully proved, but so defective are the principles of the Mahomedan law in criminal cases, that merely because the owner of the goods stolen, a Mahratta traveller, is not forthcoming to claim the infliction of the legal punishment, the offender in this instance, whose name is Munsa, cannot be made subject to suffer what would otherwise be his sentence. The doctors of the law therefore leave this main punishment to the direction of the Hakim or Superior Magistrate, and the decision thus falling upon me, I have ordered that Munsa shall be confined for four months longer, and during that period be obliged to work in the town in repairing the road; but as this is a new kind of punishment there, at least as far as regards the Rajah's courts of justice, I wish to obtain for it your Lordship's sanction.

"The second case is that of Achchla, who being some months ago seized by one of the amils for having robbed the property of a jemadar of sepoys, made his escape from confinement, and in the meantime his wife being sent into the adaulut here, made a full confession of the particulars of this theft, as committed by her husband, Achchla, who being afterwards again apprehended, denied, when brought before the court, that he had stolen the goods in question, but pretended against all likelihood that he had found them in a field, notwithstanding which he admitted that he had parted with a share of these very articles to several others to prevent their informing against him, as he confesses they threatened to do. In short, the circumstances appeared to me so pregnant with proof against Achchla that, joined to the previous confession of his wife, I can entertain no doubt of his guilt; yet because, by the Mahomedan law, the evidence of two women and one man, or of two men, is requisite to convict a thief, this person could be pronounced guilty by the law of the Koran. I therefore thought it strictly consistent with the spirit of your Lordships instructions, in the charge thus committed to me, to take his punishment on myself, so far as to order him to work on the roads for four months, in like manner with Munsa abovementioned, for were I to allow cases and offenders of this notorious kind to escape unpunished by a passive adherence to the positive precepts of a law so ill-calculated in many instances for the promotion of essential justice in a state of society so different from that in which the Mahomedan criminal code was originally formed, I conceive that I should not answer your Lordship's views in committing the superintendence to me. In fact there are so many solid objections against and evident defects existing in the criminal law of the Mussulmans, as adapted to India, and operating among the Hindoos, that to its operation and the

immunities it granted in various instances to offences may justly be ascribed the frequency of more than one crime amongst the natives. I hope therefore a reform may soon take place in this very material branch of our Government, but till then I conceive it of course my duty to be guided as a general rule by the law in question; and the only degree of exemption I would wish your Lordship to allow me from the letter of its presumption is, that whenever they tend evidently to defeat the ends of public justice, I may be authorized to supply such occasional defects, reporting every such instance of deviation, either before or after passing sentence, to your Lordship in Council, for as I have the charge, I am not inclined to frustrate the aim and end of it by avoiding the responsibility necessary to ensure the good effects of which it may be susceptible, but at the same time I wish to proceed no further than may be perfectly agreeable to the sentiments of the Government."

Government authorizes Mr. Duncan to use his discretion in following the Mahomedan law.

In reply to this reference Government, by a resolution of the 28th November, 1788, authorized the Resident to exercise a certain degree of discretion in correcting the defects of the Mahomedan law in cases where, by strict adherence to it, criminals would escape unpunished.

In 1792 Mr. Duncan brings to notice another case of failure of justice.

In a letter of February 2nd, 1792, Mr. Duncan brought to notice a case where the absurdity of the law of evidence acted injuriously, by depriving a person charged with murder of the proof of exculpatory circumstances.

In 1792 Hindoo evidence made valid against Mahomedans.

In March, 1792, a rule was enacted that, in consideration of the state of society in this country, it was necessary to receive as valid the evidence of Hindoos against the cases of Mahomedans.

CHAPTER IX.

MR. DUNCAN'S ADMINISTRATION OF THE MISCELLANEOUS REVENUES.

Trade taxes in Benares.

THE general trade taxes in force both in Benare and in the towns and villages were—

On weavers.

1. Khergui, or loom-tax upon weavers.

On houses or shops.

2. Ghurduwaree, sometimes called Khana Shumaree and Mootahurefa.

On spirit vendors.

3. The abkaree or tax upon spirit vendors. These three taxes had been in force in the province from time immemorial. It appears from letters of Mr. Duncan to the amil of Mujhwar, dated 29th November, 1789, and to the Assistant Resident Neave, of 26th November, 1789, that, properly speaking, they belonged to the department of sayer or internal duties.

"Sayer."

Collected by village renters.

They were levied from the persons liable to them by the village renters, who paid them to the amils, and they to the Rajah. This arrangement lasted up to the end of the year 1196F. or 1788-89. At the commencement of the formation of the settlement of 1196F., by the instructions of November, 1789, orders were issued (see section XIII., Regulation II., 1795) that these taxes should be separated from the collection of the village lessees, and realized by the amils of the respective districts, as far as these articles separately existed, but without attempting to extend them.

In November, 1789, ordered to be collected by amils.

The procedures with regard to each of these taxes separately were as follows:—

Khergui is thus noticed in paragraph 142 of Mr. Duncan's settlement report of November 30th, 1790, of which the following is an abstract:—

	Rs.	a.	p.
"1st.—Gharduwaree, or a tax levied on shopkeepers or dealers of various denominations, supposed to be in lieu of the ground-rent for their houses and shops, ...	9,590	4	6
"2nd.—Abkaree or tax on distillers and sellers of spirituous liquors,	6,618	11	0
"3rd.—Khergui, or tax on weavers, ...	1,403	3	3
"4th. Sundries in Bhagwat and Chowrasi, in all	101	8	0
Total ...	17,713	10	9

"The first article of Gharduwaree had already been explained in previous addresses, and it was added that should the Board disapprove of the continuance thereof or of any of the preceding articles composing the above aggregate of Rs. 17,713-10-9, no inconvenience or confusion in the accounts would thence occur, as these heads were now all separated from the village zemindars' and farmers' rentals, and collected solely by the amils as amanee articles, so that they might at any time be with ease struck off the rental, either altogether, or in whatever proportions might be thought proper. The gharduwaree here brought to account did not of course include that of Lakhnesar, and, should the article be on general principles given up, it might be necessary, for the reasons already specified, to admit of some modification of it, or to grant a remission for its amount in that particular district.

"Whatever Government might think of these taxes on shopkeepers and weavers, it was recommended that the one on distillers of spirituous liquors be on all accounts continued, as some check at least to a vice which was most lamentably general among the lower classes of the natives, and which stood much in need of correction."

Annual produce to State from Khergui only Rs 1,403-3-3.

The net annual receipts from the tax in the province were only Rs. 1,403-3-3, but in the case of this and of all the other taxes of the same class it is reasonable to suppose that the burden upon the tax payers was far greater then the benefit to the State, and that a very large part of the whole amount collected was appropriated by those through whose hands it passed.

Abolished 11th February, 1791.

The tax was abolished by the Government orders of the 11th February, 1791 (see section XX., Regulation II., 1795). The statement in a note to paragraph 142, page 68 of the directions to settlement officers, North-Western Provinces, that the levy of khergui was authorized by the Benares Regulations of 1795 is therefore erroneous.

Ghurduwaree, a tax on houses or shops.

Ghurduwaree.—The first notice of this as a tax general throughout the province is in a letter of Mr. Duncan's to Government of the 15th of June, 1788, in which he describes it as "a kind of tax upon trades collected by the farmers of land revenue in the country, concerning the abolition of which orders are solicited." He explained that "Ghurduwaree is not so much a house as a *shop tax*, and that also confined to three or four professions." He recommended that it should be abolished, but in order that there should be no remissions by the farmers of land revenue, he proposed to allow its collection for the current year, and to abolish it in the ensuing settlement, when he supposed the farmers might be induced to agree to give it up without specific indemnification. The Government reply of the 11th of July to this reference is not to be found in the records of the Commissioner's office at Benares.

Mr. Duncan recommends its abolition.

Rajah enquires if this tax is to be still collected.

Mr. Duncan permits it.

On the 11th August, 1788, the Rajah wrote enquiring whether ghurduwaree, "which is an ancient due always paid by the ryots, is still to be collected." To this Mr. Duncan replied that for the present it was to be collected.

In the formation of the settlement of the following year ghurduwaree was taken from the village renters and made over to the amils.

In 1819 enquiries were ma le on the subject of this tax by Government, and the following report submitted by the Ghazeepore Collector :—

Ghazeepore Collectors report on 1819 on "Ghurdewaree"

"I have the honour to acknowledge the receipt of your letter of the 4th instant, respecting the ghurduwaree tax.

On reference to the records respecting mootahurifa, it appears that the said mootahurifa, *i.e.*, ghurduwaree, is collected kham, or directly from all the inferior classes, with the exception of four tribes of the Hindoos, *viz.*, Brahmins, Rajpoots, Kait and Khutree, and four tribes of the Mussulmans, Sheik, Seiud, Moghul, and Pathan.

Not abolished in Ghazeepore.

Under the orders of Government, dated 31st October, 1835, the tax was abolished in the Benares district, but not in Ghazeepore. A report was called for from the Collector of Ghazeepore on the subject, to which the following is the reply :—"

"Your letter of the 1st December, 1835, calling for a statement regarding the mootahurefa, tax has been so long unanswered that, in forwarding now the necessary report, I beg to account in some measure for the delay by stating that the answer of the canoongoes of pergunnah Khereed has only just been received, the pressure of other business and the complicated nature of these accounts being prevented their sending them in more speedily. The accompanying statement will, I trust, prove

satisfactory. It appears that of the 17 pergunnahs comprised in this district seven were originally exempted from the tax as specified in the margin. The two first-mentioned were then held by jageerdars, but I can find no record in the office which gives any information as to the cause of the immunity in the remaining pergunnahs.

Pergunnahs Sydpur Bhitree, Buhureabad, Shadeabad, Puchotur, Bhadaon, Zahooriabad, Luknesur.

In those pergunnahs where the cess was nominally levied the modes of collecting it appear to have varied considerably; in some the duty was confided to the canoongoes, in others an agent was appointed who received a percentage on the fruits of his labour, but you will perceive that a considerable balance remains in some of the pergunnahs, and especially in Khereed. There is, however, but little chance of realizing even a portion of these arrears; those from whom they are properly speaking claimable are either not to be found or are so poor that the exactions would prove a measure attended with great hardship, as the whole amount of the tax as an item of revenue by no means makes up for the oppression which it is but too probable the subordinate agents exercise in their zeal to obtain liquidation of the Government demand. I trust that the indulgence already granted in the neighbouring districts may be extended to this, and the future collection of the mathurfa be prohibited, permission being at the same time granted to write off the outstanding balances.

Different modes of collection

Amount realized does not compensate for probable oppression in its collection.

Abolition requested.

After the receipt of this report the abolition of the tax seems to have been extended to Ghazeepore.

Abolished in Ghazeepore.

Connected with the subject of ghurduwaree, though in reality wholly distinct from it, is that of purjote or ground rent.

"Purjote."

Mr. Duncan in his report of the 13th June, 1788, observes that there is properly speaking no quit-rent in the country for ground occupied by houses except in the city of Benares, in some parts of which a yearly rent equivalent to what the land yielded in a state of cultivation is paid to the Rajah's officers under denomination of purjote; but that by far the greater part of the houses in the city of Benares (which are daily increasing) is built upon purchased land which pays no annual or other rent.

Mr. Duncan's report on it.

From the dowl or estimate of amanut mehals for 1197 Fuslee, dated 12th August, 1790, it appears that the annual receipts from the purjote or house ground-rent in the city of Benares and its suburbs amounted to Rs. 1,309-7-9 per annum, and further that the tax was also called khana shumaree, (house counting tax), a name which was applied to the village trade tax or ghurduwaree. From this double use of the word "khana shumaree" an erroneous belief has arisen that the ghurduaree tax abolished by Government in 1835 A. D. [and which by the concurrent testimony of Messrs. Duncan (in 1789) Barlow (1819) and LaTouche (1836) was a tax on shops] was a ground-rent of houses. So great an authority as Mr. E. A. Reade, Member of the Revenue Board, North-Western Provinces, wrote on the 18th November, 1853, an elaborate minute on the subject, giving reasons why the village zemindars throughout the Province had no right to levy ground-rent for the sites of houses which had been in existence at the time of the permanent settlement. The conclusions of Mr. Reade are probably correct, but his arguments resting on the erroneous assumption that ghurduwaree was a ground-rent are entirely invalid.

Amount of purjote in city of Benares.

Erroneous belief that ghurduwaree was a ground rent

Mr E. A Reades' Minute in 1853.

The third of general trade taxes, *viz.*, that levied on distillers and vendors of spirits was superseded by the enactment of Regulation XLVII. of 1795—"For levying a tax on intoxicating liquors and drugs, and for preventing the illicit manufacture and vend of them in the

Abkaree tax superseded by Regulation XLVII. of 1795.

Province of Benares, which was based on the corresponding Bengal Regulation XXXIV., the foundation of the excise revenue system now in force.

"Mehals" or monopolies.

The chief "mehals" or monopolies in force in the province of Benares when Mr. Duncan assumed charge of the administration were the following:—

Opium monopoly.	Firewood and timber.
Lime.	Lead.
Sujjee (impure carbonate of soda).	Gold.
Stone.	

All but opium abolished.

A sketch of the origin, progress, and present state of the opium monopoly will be given hereafter, but of the other monopolies, all of which were abolished during Mr. Duncan's administration or soon afterwards, I shall give a brief account.

Mr. Duncan's report on lime manopoly.

In October, 1789, Mr. Duncan submitted the following interesting report to Government on the subject of the lime monopoly:—

"The Chunam Mehal at Benares being still a monopoly for the benefit of the Rajahs or public revenue, I wish to submit the subject to your Lordship, that it may be considered and determined on by Government.

"Before the administration of Raja Bulwant Singh, and during the Foujdareeship of Meer Rustam Ali Khan, no person had the exclusive privilege of selling chunam at Benares, or in other words it was not a mehal or a monopoly for which a rent or premium was paid to Government.

"The beoparies at that period used freely to prepare and sell the article in the public markets as there were no restrictions upon the trade. The medium rate of kunker chunam or lime prepared from a sort of hard gravel appears to have been then Rs. 25 per 100 maunds.

"As in Raja Bulwunt Singh's time the Maharattas began to erect many large buildings, temples, and ghauts, &c., at Benares, and as on this account the demand for chunam became very great, disputes arose between the beoparies or dealers as to the terms of selling, and their differences arose at last to such a height that several violent scuffles and riots took place, in which unfortunately many lives were lost. These particulars having been represented to the Raja, he, to put an end to the animosities and jealousies that existed among the beoparies, ordered that the article should henceforth be considered as a monopoly, and therefore gave it in farm at the jumma of Rs. 1,000 per annum. In the beginning of the 2nd year an increase of Rs. 1,000 having been offered, the jumma of the mehal came thus to Rs. 2,000, and in consequence of this increase, the farmer raised the price or rates of the chunam in the markets. In this manner were the jumma and the rates progressively increased till towards the end of Cheyte Singh's time, when the former rose to 20,000 Tursooly rupees (the present amount thereof, and the latter to what they at this period are, that is Rs. 40 per 100 maunds of chunam. The particulars of the expense of digging the kunker, of preparing or manufacturing it into chunam, and of the rate at which it is sold according to the present system are as follows:—

	Rs.	a.	p.
Expense of digging 100 maunds of kunker beyond the precincts of the city, ...	3	0	0
Medium ditto for carrying 100 maunds of kunker to the town of Benares from the places where it is dug, ...	6	0	0
Ditto ditto for sebundy, ...	1	0	0
Prime cost of 100 maunds of kunker to its arrival at Benares, ...	10	0	0

"The farmer sells 100 maunds of kunker to the beoparies and others at Benares for Rs. 25, so that on every 100 maunds he gets Rs. 15 profit; besides what he acquires

by the wuzun beshie, surplus weight taken from the labourers who dig the kunker in the first instance, and which from the best information that can be procured may be estimated at 10 maunds per 100 maunds, valued at Rs. 1-8-0 additional gain, which in all comes to Rs. 16-8-0.

"If a beoparie or dealer be himself at the expense of digging and carrying the kunker to Benares, he must pay for 100 maunds a duty to the farmer of the mehal amounting to Rs. 15-8 0. The 8 annas are taken as a sort of allowance for the gain which the dealer derives from the surplus weight.

"After the beoparies have thus either purchased the kunker from the farmer at Rs. 25 per 100 maunds, or else dug it at their own charge and paid him the duty thereon as above stated, they generally burn and make it into chunam, the cost of which process is as follows:—

	Rs.	a.	p.
Expense of firewood for burning 100 maunds, ...	6	0	0
Ditto for beating the kunker and reducing it into small pieces previous to its being put in the kilns, per 100 maunds, ...	2	8	0
Ditto for sebundy charges for 100 maunds, ...	1	8	0
Expense of manufacturing 100 maunds of kunker into chunam,	10	0	0

"Thus 100 maunds of chunam, *including the profit or duty to the farmer* actually costs the dealer Rs. 35, and by being usually sold at the fixed rate of Rs. 40 in the town, the consumers pay Rs. 5 profit to the beoparie or manufacturer, which is the amount he gets on 100 maunds.

"The surkhie prepared and manufactured by the farmer comes to Rs. 3-8-0 per 100 maunds, according to the exact estimate that can be formed of the charges of its preparation, and the farmer usually sells it at the rate of Rs. 7 to the consumer, so that he gets cent per cent. profit on it. That made by the beoparies at their own expense pays duty of Rs. 3-2-0 per 100 maunds to the farmer.

"It would prove a relief and I believe a gratifying favour to the inhabitants of the city of Benares if this mehal or monopoly of chunam were abolished. The selling rate to them of kunker chunam has been shown to be Rs. 40 and that of surkhie at Rs. 7 per 100 maunds, whilst the prime cost or charges of the preparation or manufacture of the former comes only to about Rs. 20, and that of the latter to Rs. 3-8-0, which excess in the cost of materials for building operates not only as a hardship on the settled inhabitants of the city, but must otherwise prove detrimental in deterring the Maharattas from erecting buildings, ghauts, &c., to which from religious prepossession they are naturally inclined; which disposition it may in a political view be expedient to encourage as well in that nation as in all other Hindoos who resort to Benares from the other parts of Hindoostan and the Deccan, and thereby to convert our tenure of their holy city into a channel for diffusing their wealth through the Hon'ble Company's Provinces.

"At the same time the consideration of the loss of Rs. 20,000 to our Government, which will be occasioned by the abolition of the chunam mehal, forms a consideration which has hitherto deterred me from proposing it, but as the prospect of permanent future advantage may appear to outweigh the temporary pecuniary loss to the Hon'ble Company, I think your Lordship will not disapprove of my now submitting the preceding circumstances to public consideration."

Lame monopoly abolished by Government in 1789

By Government order of the 23rd October, 1789, the tax was abolished. From the report of the 4th August, 1792, it appears that the annual sacrifice of revenue from the abolition of this monopoly was estimated at Rs. 19,190-8-6 per annum.

Reh in Ghazeepoor district.

In the barren *oosur* plains of the Ghazeepoor district and of other parts of the province a spontaneous efflorescence of salt is produced on the surface of the ground called *reh*, consisting of impure carbo-

nate of soda. By the process of boiling and crystalizing *reh* sujjee is produced. This manufacture at the present day is very large. The chief seat of the trade is at Russerah, a flourishing village on the Surjoo river in the Ghazeepoor district. Many of the traders of Russerah have branch establishments in the sujjee or sukhmaye bazaar in Calcutta to which the sujjee of the province is consigned. Under the Rajahs of Benares the manufacture of sujjee was a monopoly leased to a farmer who paid annually about Rs. 3,000 per annum for the farm. Mr. Duncan considering it a hurtful monopoly, very prejudicial to trade, abolished it on the 10th of October, 1788, and his order for its abolition was confirmed by G. O. of 17th June 1789. It is a curious circumstance that when His Honor the Lieutenant-Governor, Sir W. Muir, visited Ghazeepoor in 1871; some individual, anxious for the revival of the old system, presented a petition for the re-establishment of the sujjee monopoly, making a tender for it.

"Sujjee" largely made at Russerah.

Manufacture of sujjee in monopoly under Rajah of Benares.

Monopoly abolished in 1789.

In 1871 application for revival of monopoly made to Lieutenant-Governor, North-Western Provinces.

The profits of the stone and wood monopolies were originally divided between the Rajah of Benares and the killadar or custodian of the Chunar fort, who was directly subordinate to the Nawab Vizier.

Stone and wood monopolies.

The following is a memorandum compiled in November, 1788, from native sources by Mr. Duncan relative to the previous history of these two monopolies :—

Memorandum prepared by Mr. Duncan thereon.

"In the Sumbut year 1826, or A.D. 1769, in the time of Rajah Bulwunt Sing, Gungapershad farmed the stone and wood mehal, and he then paid for the Rajah's half in both these departments the sum of Rs. 9,500, the other moiety being then paid to the Killadar of Chunar, whose name was Seedee Jowhar.

"The duty on wood was then thus collected. On 200 gutwras, each gutwra being a parcel or quantity of wood weighing two seers, going downwards by water and passing Chunar one rupee one anna, and the principal income was then from the wood. There was also a duty on wood for fuel imported from the eastward at 3 or 4 rupees per 100 maunds, the cause of the variety in which was this, that firewood is of two sorts, one called koond, the other chylah. On the chylah Rs. 4, on the koond Rs. 3 per 100 maunds were collected. After Rajah Cheyte Singh's expulsion the rental of the stone and wood mehal was greatly enhanced, or from Rs. 19,000 to Rs. 64,000.

"As to the duty on stones, it did not depend on the hills or local situation of the quarries, because all stones passing by the fort by water paid duty, and other duties were paid on the arrival and sale of such stones at Benares, and that the same was taken in the nature of rahdary duty appears from this,—that if the stones were to be transported as far as Patna the duty was levied thereon first by the killadar of Chunar, and secondly by the officer of sayer at Benares. The cause of this was that there were two distinct collecting powers; the killadar of Chunar being dependent only on Nabab Sujahuddowla, and the duties of Benares being the right of Rajah Bulwunt Singh. But with respect to the stones that did not pass by the fort, the killadar collected nothing thereon, as is evident from this—that the sugar-pressing stones which are dug from the hills and the west and north of Mirzapoor for generations past, are always crossed over the Ganges near the ferry Bindbashay, which is above Chunar, and thence dispersed over the whole zillah or division of Benares; but on such stones the killadar of Chunar did never collect any duty, although he did on such of them as passed by his fort on their way to Ghazeepoor, and the Rajah also collected his duty on such stones passing at Benares, the rate of which duty was Rs. 2-2 at Chunar and the same at Benares.

"It is also equally evident that there are many stone houses erected at Mirzapoor on the materials of which the killadar at Chunar never got any duty, whence it follows, as above observed, that the income of the fort was not from a property in the stones of the hills, but merely in a toll levied under certain circumstances and transportation; and as one farmer used to rent both the killadar's and Rajah's share of this fund, so the produce or rental was equally divided between them, and up to the period of Cheyte Singh's expulsion the jumma never exceeded Rs. 22,056, including the izáfa, or increase thereon. After Cheyte Singh's expulsion the duties of both departments, that is, on the wood and stones, fell exclusively to the killadar of Chunar.

"The nature of the stone mehal of Mirzapoor is, that there is no duty on stones used in buildings, but on mill-stones, great and small rolling stones, and the flat stones on which the others are rolled, and the like duties are or were taken (till the late abolition of all duties on interior commerce) without regard to or connection with the fort duties at Chunar, and now such duties are of course still collected on all such prepared stones as are to be exported from the zemindary."

Killadar's share on duties on wood and stone attached to military fund of Chunar fort.

Mr. Duncan's report.

After the occupation of the fort of Chunar by the English the killadar's share in the monopoly was attached to the military fund of the fort. The sepoys who collected the revenue for the military did not confine themselves to levying a tax on the stones quarried in the neighbourhood of the fort, but roamed about the country far and wide with guns in their hands, committing great oppression. Mr. Duncan made a report on the subject to Government in November, 1789, and a year afterwards a reply arrived of which the following is an abstract: —

Government orders on stone duty.

"Reply to 19th November, 1788. Transmits extract from the Board's proceedings ordering that the profits of the stone mehal at Chunar to be carried to the credit of the military fund, but that the farmer of the mehal be not allowed to demand a higher price for the stones than they were sold for prior to the period of Cheyte Singh's expulsion, and that the stones required for the interior use of the country, such as pressing sugarcane and other domestic purposes, be furnished at the same rates as they were formerly procured at by the country people. Calls for a list of the prices of the several kinds of stone.

Wood duty abolished.

"Abolishes the firewood and wood mehal from the 1st proximo, and that no wood be taxed in its transport from one part of the zemindary to another.

Duties on boats passing Chunar fort abolished.

"Intimates that the commanding officer at Chunar can have no claim upon the Rajah on the part of the military fund for the monthly allowance of Rs. 1,400, stated to have been granted as an equivalent for the duties on boats passing the fort, they having been annulled in the late general abolition of all interior imposts."

Claims of farmers of stone duty.

From some proceedings held in May, 1793, it appears that the farmer of the stone mehal claimed a duty at the rate of fifty per cent, *ad valorem*, on stones newly quarried, and a duty of thirty-three per cent. on the value of any stones excavated from old ruins in any part of the province.

Regulation II of 1800 abolished monopoly.

In June, 1797, a Mr. Munro was appointed on a salary of Rs. 300 per mensem for the management of the mehal, and by Regulation II. of 1800, which is still in force, the monopoly was abolished and the stone quarries of the province of Benares were thrown open. All persons (except British-born subjects) were declared at liberty to quarry stone, subject to the payment of a duty to Government varying from two annas six pie to five annas per cubic foot, according to the size of the stone and the place where quarried.

It is a singular illustration of the ignorance which, after the departure of Mr. Duncan characterized the administration, that in this Regulation, which must have

been seen by the Collector of Benares prior to its enactment, the Ghazeepoor stone quarries are mentioned five times, and special rates are prescribed for stones quarried at Ghazeepoor, although in the whole district there is neither hill, quarry, nor stone of any sort.

Ignorance of Collector of Ghazeepoor.

A monopoly of the sale of lead in the province was vested in the Master of the Benares mint, and the price of this metal in the province was thus greatly enhanced. Attached to this monopoly was an impost called "Poonhar Beoparean," the nature of which is not known. Mr. Duncan in his report of the 11th August, 1789, recommended the abolition of the lead monopoly, and this recommendation appears to have been sanctioned by Government.

Lead monopoly vested in Master of Benares mint.

Lead monopoly abolished in 1789.

Mr., afterwards Sir G. H. Barlow, in his report on the trade and coinage of Benares, dated 24th August, 1787, gave a full account of the gold monopoly. It is sufficient here to state that the monopoly first originated in a permission granted to a favourite by Rajah Bulwunt Singh to levy a duty on all gold imported from Neipal by the Sunyasees, a religious order who engaged largely in trade. This licensed brokerage was afterwards converted into a monopoly, and when the Sunyasees abandoned the Neipal trade, the farmer of the monopoly obtained permission from the Rajah to monopolize the exclusive privilege of granting to the Sunyasees bills on the province of Bengal for their remittances. On the recommendation of Mr. Barlow this monopoly, together with other exactions, was abolished by Government order of the 27th December, 1787.

Gold monopoly.

First granted to a favourite of Rajah Bulwunt Singh's.

Gold monopoly abolished in 1789.

The orders of Warren Hastings of 1781 with regard to the alteration in the method of levying customs duties in Benares were noticed in the foregoing chapter. These orders had little effect for good, and in some respects increased the evils they were intended to obviate. Subsequent Regulations issued by him in 1784 were equally ineffectual. Lord Cornwallis, on his arrival, deputed in May, 1787, Mr. (afterwards Sir George) Barlow to investigate and report upon the whole subject of the Benares trade and customs duties. This report, submitted in August, 1787, is lucid and interesting, but is too long for insertion. It will be found *in extenso* in the 2nd volume of Mr. Shakespear's "Selections from the Duncan Records."

Customs duties.

Warren Hastings Regulations ineffectual.

The most important parts of the Government order on the subject were—the reduction of the Benares import duty to 2½ per cent; the abolition of all zemindaree duties and other unauthorized exactions.

The direction to the Resident to endeavour as soon as possible to procure the total abolition of the inland duties.

The establishment of a commercial court at Benares to take cognizance of all commercial disputes, to be presided over by the Resident and the establishment of courts of justice at Mirzapoor, Ghazeepoor, and Jounpoor.

In Mr. Barlow's report the subject of the Benares trade is discussed under four heads, *viz.*—

Mr. Barlow's report on Benares trade.

1. Goods imported for immediate exportation (transit trade).
2. Exports.
3. Imports for consumption.
4. Goods produced in one part of the district and consumed in another (inland trade).

In the subsequent history of the customs duties it will be more convenient to treat of—

1*st*,—The duties on the internal trade.

2*nd*,—The export and import duties.

Duties on internal trade.

Duties on internal trade.

The duties on internal trade were chiefly those on the grain trade, and they were of three kinds, *viz.*—

Chiefly in grain.

1. Rahdaree or zemindaree duties levied by the village zemindars.

2. Choorhah duties collected by the four hundred subordinates of the Customs Departments scattered over the country.

3. Gunge duties levied upon grain on its arrival in the city of Benares and the three district towns. The vexatious nature of these exactions is shown in Mr Barlow's report, and still further in a report submitted by Shunker Pundit to Mr. Duncan in 1788. From this report it appears that grain in transit to Benares from the bazaar of Narwan, a distance of about twenty miles, was liable to twenty-two exactions. The sub-divisions of a rupee made for calculating these exactions were those into tungahs and dams. There were 20 dams in a tungah, and 29 tungah or 1,450 dams in a rupee. The village zemindar's exactions were at the rate of from 3 to 6 dams for a bullock load of grain weighing four maunds, and they were made at distances of from half a mile to two or three miles apart.

Vexatious nature of these exactions.

The total collections made on the way were 9 tungahs 28 dams, and on the arrival of the grain at the bazaar there was a further demand of 37½ dams in cash or cowrees, 6 chitacks of grain for Government, and 1 seer and 8 chitacks for charity.

From Nawabgunge in the Jounpoor district to Benares (a distance of 28 miles) a bullock load of grain was liable to sixteen exactions. The duties were everywhere paid in money, except in the gunges, where in addition to the cash payment there was a further demand for one seer fourteen chitacks in grain on each bullock load. The dues paid in kind were called *jhurree* dues.

In the Ghazeepoor district the annual collections at the gunges amounted to Rs. 6,379, and in the out-stations attached to gunges to Rs. 406. Of the amount of the zemindars' receipts no accounts were kept, but the whole receipts from the exactions upon the internal trade exceeded Rs. 6,000 per annum. On the receipt of the Government order of the 26th of December, 1787, Mr. Duncan issued a proclamation prohibiting the village zemindars from collecting the rahdaree dues under the penalty of a fine of three times the amount collected, of which two-thirds were to be paid to the complainant. The promulgation of this order caused great popular discontent. The zemindars at first disregarded it, and in a few cases fines were imposed. In Bhudohee pergunnah riots and disturbances broke out in March, 1788, which had to be quelled by military force. Brahmins who had been accustomed to realize rahdaree dues, in disgust stabbed themselves or swallowed poison. In the pergunnahs of Sekunderpoor and Khereed, situated on the river Ghogra, the zemindars seem to have levied tolls upon boats passing down the river from Oudh to Bengal to compensate for their heavy losses on the abolition of the rahdaree duties, in consequence of which they were unable to pay their stipulated village rents. The Rajah, who in October, 1787, had consented to the general abolition of the tax, made a request for its retention in these two pergunnahs as a special case. This proposal was, however, refused by the Government order of the 26th March, 1788, after which the zemindars withdrew their position and the internal trade was freed from their exactions.

Duty in Ghazeepoor district.

Mr Duncan prohibited zemindars levying "rahdaree."

Great discontent caused thereby.

Brahmins killed themselves.

Tolls levied on boats on the Ghogra.

In April, 1788, the last restrictions on the internal trade of the province were removed by the abolition of the gunge and choorha duties. An allowances of Rs. 12,707 for only one year was made to the Rajah on account of their abolition.

In 1788 and gunge choorha duties abolished.

The Governor General was of opinion that the increased development of trade resulting from the abolition of these duties, and the gain to the general prosperity of the country would, after a while, bring an indirect gain to the revenues of the Rajah, and that consequently it was necessary to make him only a temporary remission.

Allowance of Rs. 12,707 for one year only made to the Rajah.

It had been the custom under the administration of the Rajah to allow from the receipts of the gunge dues charitable pensions to a large number of aged and infirm persons, who, upon the abolition of the duties in 1788, were deprived of their accustomed means of support. Mr. Duncan in his settlement report of the 25th November, 1790, thus brought this subject to the notice of Government.

Charitable allowances made from gunge duties.

Mr. Duncan reports on this subject to Government.

The Governor-General in his reply of the 11th February, 1791, authorized him to restore such pensions to those who from due age or infirmity might be real objects of charity. The restoration of the pensions is thus alluded to by Mr. Duncan in his address of the 4th of August, 1792 :—

Governor-General authorized their continuance to real objects of charity.

"Under the 2nd division, or altogether new charges for all the articles of pensioners, restored in pursuance of the orders of Government under date the 11th of February, 1791.

Mr. Duncan's report on charitable allowances.

"Than which I know nothing that can prove more salutary in point of humanity and justice; and I have certainly felt gratification in being the instrument of rescuing so many helpless (for none else have been admitted) objects from griping and hopeless misery. The expense incurred on this account in 1198 amounts (as per particulars in the general account No. 1) to Rs. 13,791, and with some additions, since made, does not yet exceed Rs. 14,230-5-3 (as per the register of the parties that shall shortly be transmitted), so that the charge is still within the sum of Rs. 15,000 limited for this really charitable institution, as noticed in the 140th para. of my letter of the 25th November, 1790."

The continuance of these pensions and the grant of any which might lapse through the death of pensioners to other similarly worthy objects of charity is provided for in section VI, Regulation XXXIV., 1795.

Charitable pensions provided for by Regulation XXXIV. of 1795.

In December 1820 the system was in full force, and the Collector of Ghazipoor, on the death of seven pensioners who had received from 8 annas to 2 Rs. per mensem recommended other persons to receive the lapsed pensions. In 1834 the Collector recommended some paupers and cripples for succession to some of the vacant pensions, but by G. O. of 28th April, 1834, and of 13th October, 1834, his recommendation was rejected, and it was announced that for the future on the lapse of sayer pensions no new grants were to be made.

System in force up to 1820.

In 1834 new grants of sayer pensions prohibited.

Upon the receipt of the Government orders of the 26th of December, 1787, the following exactions upon the foreign trade of the provinces were abolished by the Resident, and their abolition was sanctioned by the Government order of the 26th of March, 1787 :—

In 1787 duties on foreign trade abolished.

1. The double duties (sabuk dustoor) payable at Mirzapoor on goods exported and imported.

2. A fee payable on hiring boats.

3. A weighment (beeah) fee at Mirzapoor which was farmed.

4. Duties levied on Bengal pilgrims.

The abolition of the gola monopoly and the house tax upon Mirzapoor traders has been mentioned.

Duty on imports reduced.

The duty upon all goods *imported* into Benares from the Company's dominions was reduced from 5 to 2½ per cent., and the duty upon shawl goods from the Punjab was fixed at 2½ per cent. upon the invoice price.

In 1788 commercial treaty concluded with Nawab Vizeer.

In 1788 a commercial treaty was concluded with the Nawab Vizeer, in accordance with which cotton from the Deccan passing through the Vizeer's territory was to pay a 2½ per cent. Benares import duty, at the valuation of Rs. 6 per maund, and silk and cotton goods manufactured in Oudh were to pay a Benares import duty of 2½ instead of 5 per cent. The export duty on stones passing into Oudh was taken off. On other articles the import and export duty remained at 5 per cent.

Duty on sale of horses and cattle abolished in 1789.

In February, 1789, the Resident ordered that for the future no duties should be collected upon the sale, purchase, exportation, or importation of horses, cattle, or animals of any description. This order was sanctioned by Government on the 16th of March, 1789. The annual loss to the customs duties from the abolition was Rs. 6,000 per annum.

Duty on coin and silver abolished.

A duty of four annas per cent. on the exportation of Benares and Gowhur Shahee rupees and an import duty of eight annas per cent. on Thupree silver payable to the Benares mint-master were abolished in the same year.

Commercial treaty with Neipal in 1792.

In February, 1792, a commercial treaty was negociated with Neipal, in accordance with which it was enacted that "two (2½) per cent. shall be reciprocally taken as duty on the imports from both countries. The duties to be levied on the invoices of the traders." Great importance was attached by Government to this treaty. Moulvie Abdool Kadir, the native gentleman deputed to negociate the treaty, received while on deputation in Neipal a salary of Rs. 1,000 per mensem, and as a reward for his success a perpetual revenue-free grant of land in the neighbourhood of Chunar, worth Rs. 1,571 per annum, was bestowed upon him, and is still in the possession of his descendants, the Moulvies of the Pooranee Adaulut at Benares.

Export duty reduced in 1792.

In September, 1792, the Benares export duty on goods and merchandise, the produce or manufacture of the province, was reduced from 5 to 2½ per cent., and at the same time the 5 per cent. duty of the Honourable Company levied on goods passing into Behar from Benares was similarly reduced.

Benares Province distinct from Company's dominions as regards customs duties.

It is necessary to bear in mind that during the administration of Mr. Duncan the Benares province was, so far as regarded customs duties, considered wholly distinct from the Company's dominions, and all goods exported from Benares paid export duty at Ghazeepoor, and import duty at Manjee at the junction of the Ghogra and the Ganges, on entering the province of Behar, while goods sent from Behar into Benares similarly paid double duties at the same customs houses.

Absence of roads for wheeled vehicles.

Duty levied on goods carried by boats only.

Throughout the province of Benares, and indeed throughout the whole of India, there were at this time no roads passable by wheeled vehicles. All commerce was carried on by boats on the river, and it was only on goods conveyed by boats that any attempt was made to levy duty. Mirzapoor formed an exception to this general rule, for goods from the Bombay Presidency and the Central Provinces were conveyed there on pack-bullocks, passing through the Rewah territory, and merchants there were liable to very heavy exactions, and were occasionally plundered.

Except at Mirzapoor on goods on bullocks.

Average receipts from customs duties.

The average receipts from the Benares customs during Mr. Duncan's administration were between £40,000 and £50,000 per annum, and owing to the increased prosperity of the country and the development of trade these receipts did not decrease, notwithstanding the abolition of several duties and the reduction to one half of all the others.

Ghazeepoor customs receipts.

Mirzapoor.

Jounpoor.

Benares.

The receipts of the Ghazeepoor custom house depending on the Bengal trade, and those of Mirzapoor depending on the Deccan trade were nearly equal, and amounted generally to about Rs. 1,70,000 each. The Jounpoor customs house receipts depending upon trade with Oudh, passing up and down the Goomtie, stood at about Rs. 50,000, and those of Benares, which were almost exclusively derived from the duties upon goods exported from or imported for use in the city, stood at about Rs. 30,000 per annum.

CHAPTER X.

OTHER BRANCHES OF MR. DUNCAN'S ADMINISTRATION.

Anxiety of Mr. Duncan and of Government to avert famine in 1788-89.

The measures adopted by Mr. Duncan to alleviate the scarcity of 1788-89 have been noticed under the history of the permanent settlement. During the whole period of his administration the greatest anxiety was shown not only by him but by the Governor-General in Council to avert the danger of famine, and the crops and prices were watched with the utmost vigilance.

Causes of rise in price of grain.

It would appear that at this time the people of the province of Benares were living from hand to mouth. There were no large accumulations of grain; supplies could not readily be procured from other parts of the country, and the price of grain was liable to become suddenly high from other causes besides failure of rains or scanty crops. The desolation of the district of Azimgurh by the Nawab Vizier's amil in 1788 aggravated the scarcity felt in Benares. In April, 1789, the crops were good, but, owing to a particular conjunction of Saturn and the Pisces, the Brahmins predicted famine, and the natives immediately began to hoard grain, and the prices went up. In the following year a similar prediction was made, with the same result, because the last half of one of the Hindoo months had only thirteen instead of the ordinary number of fifteen days.

Predictions of Brahmins.

Measures adopted by Mr. Duncan.

The measures adopted by Mr. Duncan in seasons of scarcity were:—

1*st.*—To prohibit exportation of grain.

2*nd.*—To take off the duty on imported grain.

3*rd.*—To make purchases on account of Government in the adjacent districts.

4*th.*—To issue regulations as to the quantity of grain to be purchased by individuals in the markets.

5*th.*—To exert his influence to obtain corn for seed for cultivators from grain dealers.

Circular issued to amils in 1791.

Thus, in October, 1791, he issued a circular to all amils with the following directions:—"Having called before you the said dealers you are in the most encouraging terms to engage them to furnish the usual supplies of seed to the ryots, and if you find that any of these dealers shall, notwithstanding your admonitions, persist in making objections, you are in the public cutchorry to signify to such persons that if by refusing this year the usual supplies, which they have been accustomed to furnish, any failure in the rubbee harvest shall be occasioned, they must look upon it as certain that they shall have no assistance, either from me, you, or the Adauluts, in recovering the claims they may have on the ryots for arrears due to them, either in ready money, grain, or tuccavee, on account of their dealings with the ryots hitherto, nor can such unreasonable conduct on their part tend in any wise to their good. If after all this these dealers shall omit to supply the ryots, you must ultimately, by your own exertions, procure seed for the ryots, so that, at all events, the necessary quantity be supplied."

6*th.*—To make large advances of *tuccavee* through the amils for the purchase of seed and for the digging of wells. In 1791 Rs. 35,990 were advanced for the purpose. "The number of wells said to have been dug exceeds belief."

Government determined in 1794 to erect granaries.

In October, 1794, the Governor-General determined as a security against famine to erect granaries, and to store grain in good seasons for sale to the public in times of scarcity. Authority was given to the Resident to purchase 1,65,000 maunds of grain, and granaries

were erected at Chunar and Benares at a cost of more than Rs. 13,000. These public granaries were maintained till 1801, when their abolition was ordered, on the ground that they were unnecessary, owing to increased cultivation and extensive production of grain; useless, because the total amount stored in them was, compared to the wants of the province, very small; difficult of supervision and wasteful, owing to the destruction of grain by rats and white ants. Furthermore the risk of fire in them was great, and the purchase of grain by Government was considered an interference with the ordinary course of trade.

Abolished in 1801 for following reasons

The roads in the Benares province during the administration of Mr. Duncan were in the worst possible condition. They were in fact unbridged tracks, hardly deserving the name of road. In October, 1788, Mr. Duncan reported that the roads, even in the vicinity of Benares, were in an impassable state because there were no funds for their repairs. He suggested that if the Government did not like to be at the expense of the repairs, they might be made one of the charges of the Rajah's sudder cutcherry. In December, 1789, orders were issued to the amils to keep the highways and roads within their respective limits in a due state of repair, and they were directed to consider the charge of the roads as one of the incumbent and indispensible duties of their station. The zemindars and farmers were required to supply labourers and defray expenses within their respective limits, but no cesses on this account were to be collected from the ryots.

Roads.

No funds for their repairs.

Amils ordered in 1789 to keep roads in repair.

Zemindars to supply labourers.

In 1793 Mr. Treves, Acting Resident, reported to Government "the shocking state of the roads and bridges in the neighbourhood of Benares," and applied for Rs. 3,000 for the repairs to ten or twelve small bridges.

Shocking state of roads and bridges in Benares in 1793.

Mr. Duncan in 1789 made a grant of Rs. 2,000 for the repair of the great bridge of Jounpoor, built in the reign of the Emperor Akbbar, and one year he appropriated a small amount from the customs receipts for the repair of roads.

Mr. Duncan granted Rs 2,000 for repairs of Jounpoor bridge.

At this time a road was under construction from Calcutta to Benares by the way of Sherghotty, but on a scale very different from that of the grand trunk road afterwards constructed. The road was fifteen feet wide, with drains at each side six feet in width, and the Executive Engineer in charge of it made a proposition in May, 1789, that a strip of ground six feet wide should lie uncultivated between the road and the cultivated fields, to allow of the road being subsequently raised and widened.

Road from Calcutta to Benares via Sherghotty under construction in 1789.

Only fifteen feet wide.

In the final arrangements of 1794, A. D., for disposing of the surplus revenues of the province, one lac of rupees was allotted for the construction of the fine bridge over the Burna river which connects the civil station of Secrole with the city of Benares. It is to be regretted that in these arrangements a fixed annual allotment of the surplus revenues was not set apart for the construction and maintenance of roads.

In 1794 one lac allotted for the bridge over the Burna river

Mr. Duncan himself seems not to have been sufficiently alive to the importance of good roads, but his views on the subject were certainly far in advance of those held by the Government. He was much more anxious to ask than Government were to grant sanction for expenditure in improving the roads of the province.

Mr. Duncan not sufficiently alive to importance of roads

No cess for repair of roads was at the permanent settlement imposed upon the zemindars, but they were required to furnish labourers and to bear the expense of repairing the roads which passed through their village. In 1797, Mr. Abraham Welland, Magistrate and Judge of

Zemindars required to furnish labour for repairs to roads.

Jounpore, recommended to the Benares Collector the establishment of one per cent. road cess on the zemindars in lieu of these repairs, which they never properly carried out. Soon afterwards the settlement of pergunnah Luknesur having been cancelled at the new settlement, the Collector provided for a one per cent. road fund, but his proposal was not sanctioned by the Government of Lord Wellesley. In 1839-40, however, a one per cent. road fund was, with the consent of the zemindars, established, and it has been the means in the province of Benares of causing the most wonderful improvement in the state of the district roads.

Mr. Welland recommended a cess of one per cent. in lieu.

Government did not sanction it.

In 1839-40 road fund established.

The city of Benares, owing to the narrowness of its streets and lanes, and the largeness of the population concentrated in a very small space, is, even among Indian cities, peculiarly difficult to keep clean and healthy. At the present day, notwithstanding the long-continued efforts of a series of energetic Magistrates, the air in the heart of the city is polluted by stagnant drains, while many parts of the suburbs are backslums and covered with filth. From the proceedings of Mr. Duncan it would, however, appear that the main streets and market places, which are now perfectly clean, were in his time as filthy as the most neglected backslums at the present day. The streets and market place were used as latrines, and covered with piles of filth, and pools of stagnant and stinking water in every direction generated disease and death.

City of Benares peculiarly difficult to keep clean and healthy.

Its state in Mr. Duncan's time.

In 1790 the first attempt was made to improve this state of things. Receptacles were appointed for filth, and arrangements were made for removing it. Public latrines were constructed, and some attempt was made to keep the streets and lanes clean. These sanitary measures, though introduced with utmost mildness, produced the greatest excitement amongst the people of the city.

In 1790 attempts made to improve matters.

Created greatest excitement.

"A vast multitude of persons assembled in the outskirts and gave notice to the tradespeople and shopkeepers to shut up their shops and to effect what is known in this country under the name of *hurtal*, or complete stoppage of business of every kind, threatening to plunder and rob those who should act otherwise." The mob presented a petition to Mr. Duncan, complaining that the whole of his arrangements were "a novelty which made them apprehensive and disturbed them." After some conversation with the ringleaders Mr. Duncan was able to persuade them that the measures introduced had been designed for the good of the people, and not from any sinister motives. Upon this "the ringleaders departed and dismissed the multitude, who thereupon returned, shouting their thanks and rejoicing, to their homes."

Petition presented to Mr. Duncan.

Who pacified the ringleaders.

The attempt to enforce sanitary measures commenced in 1790 and were continued by Mr. Duncan to the end of his administration. About Rs. 5,000 per annum from the customs revenue were spent upon a sweeper establishment. A drain was cut from the garden of Banee Ram Pundit to the Burna river which carried off a considerable amount of stagnant water. The prejudice of the natives in favour of filth remained, however, as strong as ever, and in his report to Government of the 2nd March, 1795, Mr. Duncan notices the disinclination of the inhabitants of the city of Benares to the abatement of any nuisances, however prejudicial to their health or to the general cleanliness of the place, and expresses his opinion that all innovations, even for evident advantages, should be cautiously attempted, as far as they may effect the various classes and sects who inhabit the local centre of the Hindoo faith."

Sanitary measures enforced by Mr. Duncan.

Disinclination of inhabitants towards them.

I have already, in the passages illustrating Mr. Duncan's character, given an extract from his report to Government proposing the establishment of a Sanscrit

Establishment of Sanscrit college proposed by Mr Duncan and sanctioned in 1792.

college for the cultivation of the law and learning of the Hindoos. His proposal was sanctioned. A college was established in October, 1792, at an annual cost of Rs. 20,000 per annum. The establishment consisted of twelve professors and thirty-two students on the foundation, and about two hundred pupils received instruction in it. Mr. Duncan, in his report of the 19th October, 1792, intimates that the first fear or jealousy excited amongst the Hindoos relative to the secret aim of Government in thus laying out its money was gradually disappearing. We may therefore conclude that the old policy of conciliation to native superstition was regarded by the natives with no more liking than the measures favourable to enlightenment and Christianity adopted in modern times. During the administration of Mr. Thomason, Lieutenant-Governor of the North-Western Provinces, the Hindoo College was merged in the Benares English and Sanscrit College, now called the Queen's College.

Fear or jealousy excited thereby amongst Hindoos was disappearing.

Several different kinds of rupees of varying value were at this time current, and used for purposes of account in the province. The standard Benares rupee of account was the Benares sicca rupee, of which 100 were equal in value to 92 Calcutta sicca rupees, and to Rs. 106-11-6 ordinary current rupees.

Different kinds of rupees current.

In December, 1790, the rate of exchange was altered, and 100 Benares sicca rupees were declared equal to 111 current rupees.

Some pergunnahs in the east of the Ghazeepoor district were settled in the Gohur Shahee rupees, of which 100 were equal to Rs. 95-8-0 Benares sicca. Others were settled in Tirsoolee rupees (so called from the Tirsoola or trident of Mahadeva impressed upon them), of which Rs. 106-4 0 were equal to 100 Benares sicca rupees.

Settlement of eastern parts of Ghazeepoor district in Gohur Shahee and Tirsoolee rupees

The intricate calculations in the rates of exchange of these different kinds of rupees were, after Mr. Duncan's departure, made a source of large profit to the amils, and were often used by them for the purpose of procuring the auction-sale of villages for fictitious balances.

Amils thereby made large profit.

In 1793 an attempt was made to establish a gold currency. Gold mohurs were coined and declared a legal tender at Rs. 16 per one gold mohur for all payments of the salaries of Government servants.

Gold mohur coined and made legal tender in 1793.

No account of the administration of Mr. Duncan can be considered complete without some notice of his proceedings and those of Government with regard to the Europeans who at that time first commenced the manufacture of indigo in the province of Benares.

European indigo planters

In 1787 Dr. Gilchrist, a Surgeon in the employ of the Honourable Company, and Ensign Chartres threw up their appointments and established themselves as indigo planters near Ghazeepoor. Before this time indigo had been cultivated in small quantities by dyers for their own use, and any surplus amount produced was sold at from Rs. 2-4 to Rs. 3 per seer, but its culture, as now carried on, was unknown.

Dr. Gilchrist and Ensign Chartres first become planters in Ghazeepoor.

Dr. Gilchrist, who is well known as the first compiler of an English-Hindustani dictionary, had learned the art of indigo manufacture during a residence in the West Indies He appears to have been a man of considerable ability, but somewhat unscrupulous. Mr. Duncan's ability and firmness of character inspired him with some degree of awe, but Mr. P. Treves, Acting Resident in Benares during Mr. Duncan's absence in 1793, was reduced almost to a state of frenzy by the vigourous character of his proceedings.

Dr. Gilchrist's proceedings.

After Messrs. Gilchrist and Chartres several other planters settled in the province. Most of them seem to have managed their affairs with tact and discretion, but those in the Ghazeepoor district were remarkable for the frequency of their disputes with the natives. One gentleman in particular, Mr. Pugh, settled on the borders of Luknesur pergunnah, had the most violent disputes with the Senghur zemindars of that pergunnah, in consequence of his having acquired a large portion of land which they had been in the habit of cultivating.

Ghazeepoor planters remarkable for frequent disputes with natives.

Mr. Pugh.

He wrote frequently to the Resident in 1793 and 1794, complaining that his fields had been destroyed by the cattle of the villagers, his servants had been beaten, and finally, that when endeavouring to protect his property, he himself had received, for the first time in his life since arriving at manhood, not only one, but a number of blows.

Complains frequently to the Resident of the Sunghurs.

On the other hand the Senghurs represented that they had been deprived of their fields, their right of way had been interfered with, they had been prosecuted in the criminal courts on false and frivolous charges, and involved in boundary disputes with Mr. Pugh. Lastly, they added—"As the English gentlemen are in every respect the masters of the country, we (poor insects) have not power to settle a boundary dispute with gentlemen of that description."

Senghurs reply.

The Governor-General in Council hearing of these disputes, passed, on the 7th of March, 1794, a regulation that no European should be allowed to acquire any landed property in Benares exceeding what might be sufficient for the erection of houses or buildings for carrying on manufactures, nor should they be competent to hold a greater extent of land upon lease than might be sufficient for the same purpose.

In 1794 Governor-General prohibits acquisition of land by Europeans.

This order affecting materially the interests of the indigo planters, they presented to the Resident and to the Governor-General in Council, without the sanction of Government, the following memorial, stating their objections to the order which had been issued :—

Indigo planters present a memorial to Resident.

"We have been duly favoured with your circular letter containing the resolution of Government relative to the indigo manufacturers in this district.

"As we humbly conceive that these Regulations, if carried into effect, must be attended with our certain destruction, as well as the annihilation of the manufacture, and having the most perfect confidence in the justice and humanity of the Hon'ble Board, we have to request you will be so good as to transmit the representation herewith forwarded to the Governor-General in Council, together with such remarks on the facts therein stated as may be agreeable to your own knowledge ; for which reason we solicit your permission to go a little into the detail of our situation, and into the grounds of our apprehension that nothing short of positive ruin to us must be the consequence of Government rescinding the resolution of 1790.

"As it would appear from the Regulation alluded to that the Hon'ble Board have adopted them, first, from the misconduct of some other planters in the district, and secondly, from conceiving it possible that the manufacturers might be supplied with the indigo plant as is practised in Bengal, it is only necessary that we confine ourselves to these two points.

"With respect to the latter, we shall briefly state the difference between the system of cultivation in Bengal and in this country. In Bengal the land is ploughed and the indigo seed is sown in months of February, March, and April, which they are enabled to do from the frequent showers of rain and north-westers. The plant comes to perfection during the first month of the rains, is cut and manufactured in July and the subsequent months, and at the end of the year it reverts to the ryots, and the manufacturer makes fresh engagements for other parcels of land for the ensuing year, as the same would not immediately answer so well.

"In these provinces, owing to scarcely any rain falling before the middle of June, we are not enabled to begin to sow our seed till that time, and a great part of our plant does not become fit to cut till the ensuing year. At it remains in the ground for three years, and as it is to the second or third year that we look chiefly for our returns, it therefore becomes necessary for the security of the produce that we should keep possession of the land on which it is sown for the whole period.

"Were the ryots to cultivate and sow the lands for us as in Bengal or had we not engagements with them for more than one year, it would be in their power, after all the expenses we had been at in cultivating it the first season, to deprive us of the produce of the two succeeding years, to which we principally look for our advantages. It may be sufficient to declare, which we do upon our honour, that each and every one of us have attempted to induce the natives to cultivate the seed for us upon contract, but without success in any one instance. This is so easily ascertained that we entreat you will inform yourself of the facts, and of the practicability of introducing it from the amils and others, previous to your transmitting the enclosed to the Board.

"It would be easy to show to your satisfaction that were this mode possible we could have no hesitation in preferring it to cultivating the lands ourselves; by it a great part of the precarious nature of the business would be thrown on the ryots themselves; we should save the enormous expenses of a constant stock of ploughs, hackeries, bullocks, and with them a large establishment of utensils and servants.

"Even admitting that the practice could be introduced, it must be a long time indeed before it can be general, and perhaps it may be much better for the revenue it should never be attempted at all, for, as we observed above, it will throw a great part of the precarious nature of the indigo business which will ultimately affect the collections in the event of a bad season, whereas no instance has ever occurred of our falling behind one hour in payments to the zemindars, though several of us have had two successive years of almost total failure.

"We beg leave to call to your recollection the circumstances which induced Government in 1790 to permit indigo manufacturers to hold lands upon lease as ryots, and whether it is not within your positive knowledge that we embarked in this trade solely under the sanction of that permission. The former and this fact being established, it is impossible to doubt from the justice of the Governor-General full and unequivocal protection.

"We have presumed to state in our representation that very great benefits have accrued to the zemindary from our settling in it, and particularly from the mode in which we are permitted to hold lands as ryots, and we are fully convinced that this assertion will stand the test of a very rigid enquiry; for though it may be found that in several instances disputes have arisen, still we will venture to state that those have always happened between the planters and amils, persons whose interests are directly opposite, or between planters themselves, but never in any instance perhaps amounting to proof of oppression between the planters and zemindars or farmers.

"That the situation of the poorer classes in the neighbourhood of our works has been essentially altered for the better, from the vast number of women and children employed in the various branches of the cultivation, particularly weeding, for which even the most helpless are capable, is a fact too notorious to be dwelt upon; but here we will venture to mention the great and essential support each and all of us have occasionally extended, and never in urgent cases refused to extend, to the zemindars and ryots by small loans. When it is a well known fact that similar assistance cannot be purchased in Benares under two and a half and three per cent. per month, it with hardly be urged whether or not we oppress or assist the country.

"We cannot believe that Government suppose or expect that in our extensive dealings with the natives no dispute or difference of opinion should arise, but we appeal to your justice to declare in our behalf whether or not, everything considered, fewer causes of complaints have been established than could possibly have been expected

in the introduction and infancy of a manufacture entirely new in the district; and if it is to be continued, whether the present modes, under the regulations we have hinted at, are not the best calculated to prevent them in future.

"In short, could the unbiassed voice of the bulk of the natives be obtained, we would gladly stake our existence on its being favourable to our views.

"It is with particular reluctance we have noticed the severity of the Honourable Board, but we conceived it incumbent on us, as the only cause assigned for the orders in question was the conduct of the planters in Ghazeepoor. To have our fortunes and characters involved by the inconsiderate conduct of others could not fail to excite some degree of irritation in our minds, and if we have expressed ourselves too warmly on the subject, we trust to the candour of the Honourable Board to admit the cause as an apology.

"If, upon a full investigation, there are found grounds to deprive us of any advantage we enjoy under the Regulations of the 27th January, 1790, we shall cheerfully submit, but until that is established, we cannot believe that Government will refuse us a suspension, at least of the orders in question, that the subject may undergo a candid discussion.

"We have stated, and we beg you will assure the Governor-General in Council of our readiness to submit to any Regulations he may adopt in consequence of his complying with our request to be permitted to hold lands as we now do; and we humbly conceive that by directing the Resident to resume all leases upon complaint and proof of improper conduct in the planter, and that all leases when they terminate shall be renewable only by mutual consent and with his sanction, every purpose of Government, as far as we are capable of judging, may be obtained, and the Europeans and the natives alike, as they have unequivocally a right, be protected.

"We have thus detailed, and we trust with truth and moderation, the nature of our situation as indigo planters in this district, and have nothing further to add but our request that, from your known humanity and benevolence, you will give it your serious consideration. We need not tell you that our fortunes are at stake, or that unqualified ruin hangs over us; we therefore entreat that you will transmit to the Governor-General in Council such observations on the facts set forth as your knowledge of the truth enables you to make, and solicit on our behalf the speedy decision of our case, as the season of the cultivation commences early in June, and as all our engagements with the zemindars, which ought now to be entered into, are totally suspended."

Governor-General reply to planters' memorial

The Governor-General's reply to this memorial was as follows:—

"We have received your letters of the 10th and 17th instant, with their respective enclosures.

"Previous to professing any determination on the representation of the indigo planters in Benares, we think it necessary to notice particularly their construction of our orders of the 27th January, 1790, on which they form their claim to a reconsideration of our resolutions of the 7th of March last, as we conceive it to be wholly unwarranted either by the letter or spirit of them.

"The 54th article of the Revenue Regulations of the 8th of June, 1787, prohibited the Collectors from giving any land in farm to any European directly or indirectly.

"This Regulation having been transmitted to you officially by the Board of Revenue, with intimation that we had decided that the spirit and meaning of it extended to Europeans who might have procured pottahs from farmers in the mofussil, you acquainted us in your letter of the 24th July, 1788, that you thought it a necessary precaution on your part, in consequence of the Board of Revenue having officially

sent you this notification, although the Regulation referred to had not yet been laid down as a rule for your guidance, to mention that there was one gentleman in your district, Dr. Gilchrist, who, for the purpose of raising indigo, which he was permitted to do by an order of Government, was, you believed, under the necessity of renting some land in the pergunnah of Ghazeepoor from the Rajah's amil there, but that you were not aware that any evil resulted from such renting on his part, and that all Europeans in Benares, yourself not excepted, had, from necessity, in some measure sub-rented to the native farmer in Shewpoor, where your gardens and places of abode were situated.

"On the 6th of August, 1788, we acquainted you in reply that we did not consider the 54th clause of the Revenue Regulations of 1787 as extending to the lands in Pergunnah Shewpoor, in which the houses and places of abode of the Europeans residing at Benares are situated, nor to the grounds in pergunnah Ghazeepoor rented by Dr. Gilchrist for the purpose of carrying on the manufacture of indigo.

"When this reply was written we were not aware either of the extent of ground of which Mr. Gilchrist had possessed himself, and still less of the tenure under which it was held.

"But upon the receipt of your letter of the 16th November, 1789, in which you informed us that Messrs. Gilchrist and Chartres had obtained a talooka in farm from Cassimbeg, the amil of Ghazeepoor, we directed in our letter to you of the 27th January, 1790, that they should be immediately dispossessed of the farm, but in consideration of the heavy expense incurred by them, and as the extension and cultivation of indigo would, under proper regulations, be beneficial to the country at large, we authorized you to acquaint Messrs. Gilchrist and Chartres that we had no objection to their continuing their manufacture, and to their making advances to such ryots as might be willing to cultivate and furnish them with the indigo plant, or to their holding land upon pottah from the zemindar farmers in the same manner as other ryots for the purpose of cultivating the plant themselves.

"In referring to this order, the memorial states that the Governor-General in Council issued an order, under date the 27th January, 1790, expressly prohibiting renting of villages according to the tenure by which they (Messrs. Gilchrist and Chartres) held them, directing them to be instantly resumed by the original tenants, but at the same time permitting Europeans to rent lands merely as ryots for the cultivation of indigo without any stipulation as to quantity or situation.

"That our orders abovementioned do not express any such general permission as is stated in the preceding quotation from the memorial is evident from the reference to the terms of it.

"That they convey no such implied permission is equally apparent.

"It has long been an established rule that no European shall hold lands in the interior of the country without the express permission of Government, and although we have in many instances, for special reasons permitted, upon the application to hold lands for carrying on manufacture or for other purposes, the permission granted to such individuals cannot be construed into an abrogation of the rule, but, on the contrary, proves the existence of it.

"If this line of policy has been invariably observed in Bengal, it cannot be presumed that it could ever be our intention to abandon it altogether in Benares, where the arguments on which it is founded apply with additional force.

"But to leave no room for doubt on the point, it is sufficient to refer to Mr. Collins' application to us of the 20th April, 1793, for orders to the Acting Resident at Benares to procure him three thousand begahs of land upon lease in Buglipoor which we refused to comply with, and if we did not proceed to dispossess him of the lands which he stated he then rented, the indulgence gives him no claim to exemption from the

operation of our orders of the 7th March, and still less to the other gentlemen whose names are subscribed to the memorial, and who have obtained and held their lands entirely without our knowledge or sanction. Whatever lands therefore are held by these gentlemen without our express permission are liable to resumption under our order of the 7th March, nor have they any claim upon the ground which they have assumed for the suspension of them.

"The disputes between the planters and the amils, zemindars and ryots, as detailed in your correspondence now submitted to us, as well as the disturbances of Gházeepoor which suggested our orders of the 7th of March, added to the circumstances stated in the 3rd paragraph of your letter, and the reasons which you have assigned in the paragraph for proposing that every indigo planter shall be required to have at all times a vakeel in attendance at your cutcherries, afford convincing proof of the necessity of enforcing those orders equally in Benares as in Bengal.

"We are aware, however, that many individuals, as well as Mr. Cullen, have possessed themselves of lands without our express sanction, and that their not being prohibited from holding them in the first instance may have induced them to believe that they were not deviating from public regulations.

"Upon these grounds, and in consideration of the heavy loss they might sustain were they to be compelled immediately to relinquish their concerns, we shall have no objection to allow them to reap the full benefit of any land that they may have actually sown with indigo, and to afford them ample time to make the necessary arrangements with the ryots or other individuals to furnish them with the seed in the same manner as it is procured by the planters in Bengal.

"Upon the above grounds we have passed the following resolution."

The resolution of Government will be found in Regulation XXXIII. of 1795. The following is an abstract of its principal provisions:—

Regulation XXXIII. of 1795.

1*st.*—Leases of land to European indigo planters given before the 20th March, 1794, to remain in force until expiration of the decennial settlement.

2*nd.*—Leases of subsequent date declared invalid.

3*rd.*—Persons entering into new leases liable to be ordered to proceed to Calcutta.

4*th.*—An exception was made with regard to ground (less than 50 begahs in extent) intended for the construction of indigo works or dwelling houses, and it was provided that, after the expiration of the last year of the decennial settlement, no European should be permitted to rent or hold any land directly or indirectly.

The other rules related to Europeans seizing supplies, pressing servants and labourers, felling trees, &c.

Resident directed to afford help to Europeans in procuring indigo.

The Resident was at the same time desired to give every help to Europeans in procuring the indigo plant to be raised for them by contract with the amils or ryots at a given rate for every beegah or bundle.

Circular notification of Government relative to contracts to grow indigo.

On the 12th of July, 1794, a circular notification was published by the Resident announcing to the natives that the Governor-General in Council had no objection to, but rather wished to encourage their entering into contracts with Europeans to raise the indigo plant for them, and to deliver it to them ready to be cut, but the following conditions were to be observed:—

1*st.*—That only pottahdars or lease-holders of settled estates (and in estates not settled, the amils) might enter into contract.

2nd.—That the lands of chupperbund or khoodkasht ryots should not be given without their consent.

Regulation altered on remonstrances of indigo planters.

On July 22nd this Regulation was altered on the remonstrance of the indigo planters, and permission was granted to Europeans to take lands both from shareholders in villages holding separate lands and from the chupperbund or khoodkasht ryots without the intervention of the village lessee.

Europeans have never ceased to hold lands in the province.

It is to be remarked that inasmuch as the decennial settlement was afterwards declared perpetual, the time specified in the Government Regulation never arrived, and consequently Europeans have never ceased to hold lands in the province.

APPENDICES TO CHAPTER VI.

No. III.

Constitution of City Court in Benares, established by Warren Hastings, Governor-General, in 1781, A. D.

Tuesday.
Original Regulation Institution of the City Court.

At the Cutcherry present, the 2nd September, 1794 : Mr. Jonathan Duncan, Resident, for the purpose of further elucidating the circumstances of the course relative to the charges against Abdul Rusheed Khan.

The following translation is here recorded of the paper and regulation that passed at the period of the original institution of the Court of Adawlut in the City of Benares, in the year 1781, under the authority of the late Ali Ibraheem Khan :—

Hookumnamah from the Governor-General Mr. Hastings to all the Amils, Inhabitants, Sojourners, Pilgrims, and others in Benares.

As it is customary in all large cities that plans should be laid down for the protection of the inhabitants and their property, and no such has hitherto been settled for the City of Benares, which is a general resort of all castes of men from Hindoostan and the Deccan, and not only to be considered with regard to its own inhabitants, but as a city respected by the whole race of Hindoos; on this account the safety and protection of Benares is to be particularly studied, and the Governor-General, by the full power vested in him by the Governor-General in Council, orders and publishes on the part of the Company as follows :—

For the protection of the inhabitants and the administration of justice, one man shall be appointed who shall have full authority over the inhabitants and sojourners in the above city, and shall be called Hakim of the city.

It is further enacted that for the administration of his Judicial Departments shall be established—

1*st.*—A Cotwal to apprehend persons who may be guilty or accused of crime, such as homicide, robbery, theft, or other improper or wicked acts, contrary to the safety of the inhabitants, which may be committed in the city, and to deliver them over to the Foujdaree Adawlut hereafter to be mentioned. He shall also prevent and disperse riots of disorderly people and may punish those actually found creating disturbances with not more than 20 strokes of a cane, to enable him to perform which duty a certain number of peons, receiving monthly wages, and wearing a distinguishing badge, shall be put under him, in such number as the Hakim may deem necessary. For the business of night-guards and the other duties connected with the Cotwal, who shall be appointed to his office by the Hakim, who shall also have power to dismiss him or his people at pleasure, and the Cotwal shall remain entirely under his authority.

2*nd.*—The Fouzdaree Adawlut, to which shall be appointed a Darogah and 3 Moulvees of approved merit and knowledge in the law and in the decision of causes, for the investigation of crime committed in the City of Benares, as above-mentioned, and the Surat Hal and Futwah in every cause shall be sent to the Hakim, who, after examination of it, will sign it and deliver it over again to the Darogah and Moulvees, whose duty it will be to enforce the order so returned to them. The Darogah and Moulvees shall also be appointed by the Hakim, who shall also have power to dismiss them, or to alter or change their forms of process, as he may deem requisite, and it shall be their duty to abide by the forms he may establish.

3*rd.*—The Dewany Adawlut to which a Darogah and 3 Moonsiffs shall be appointed—men of fidelity and abilities from among the inhabitants of Benares—for the investigation and decision of causes of debts, mortagages, settlement of accounts, transfer of property, right of vicinage, disputes of boundaries, question of marriage, rights of inheritence, and all other complaints on the subject of property, grounds,

money or other articles. In any business unconnected with the law, the above Moonsiffs shall decide according to the best of their judgment; but in those to which the law can be applied, it will be the duty of the Moonsiffs, after hearing evidence on the cause, to ascertain the right and to decide agreeably to the Shura or Mahomedan Law, if the parties are Moosulmans; or if the parties should be Hindoos, agreeable to the Pothee Shashtar or Law of the Hindoos. For the better enabling them to perform this duty, Moulvees acquainted with the law and 2 Pundits learned in the Pothee Shashter shall be appointed, that in every case as above written they should give their Futwah agreeable to the Mahomedan Law or the Hindoo Shashter. It is also ordered that in the case of the Moonsiffs disagreeing in opinion, they should separately write their opinion that may be seen on what side the majority is, according to which the order may be given; but in the case of their being equal, the Darogah's opinion is to determine every cause not exceeding a thousand rupees, shall be considered as finally decreed by the Adawlut ; but in causes above this, if the complainant is not satisfied with the decision of the Adawlut, he may appeal to the Hakim within a month of the decision, and not afterwards, and the Hakim is authorized to decide upon the cause, either upon the Surat Hál given in by the Adawlut, or to institute his enquiries anew.

If the complainant brings new witnesses, it will be the Hakim's duty to hear their depositions if the complainant produces sufficient reason for not having before brought them forward; and the Hakim being authorized to decide upon the decree of the Adawlut, his decision will remain fixed and permanent. It is also ordered that the Hakim, the Darogah and Moonsiff should keep a daily account of the proceedings of their Adawlut, to remain upon record in the Duftars. The Darogah and Moonsiffs shall also be appointed by the Hakim, who shall have the power to remove them, and to settle and alter the forms of process in their Court, and it shall be their duty to abide by the forms he shall establish. It is also ordered that the above Hakim shall monthly transmit to the Governor-General in Council at Calcutta copies of all the proceeding's statement of the people who may have been appointed or dismissed from office, new orders which may have been issued or new forms prescribed for the proceedings of the Dewanny and Foujdaree Adawlut, and every other papers which he may think necessary respecting the affairs of the city and his own office, and that he shall obey and fulfill all orders sent by the Governor-General in Council; and although the authority of the Hakim extends only to the limit of the City of Benares, yet, to prevent the inconvenience which might occur from the escape of criminals to other places, it is further ordered that the Hakim and his people shall have authority to send a perwannah under their seal for any criminal who may have committed a crime in the City of Benares and escaped out of its limits, and having laid hold of him, deliver him over to the Adawlut; and it is consequently ordered that all Zemindars, Amils, and other people in authority throughout the district shall assist the people of the Hakim in laying hold of criminals who may have escaped into their respective quarters. It is also allowed to the officers of both Adawluts to enjoin the attendance of witnesses who may live beyond their jurisdiction, when they may consider their evidence as essential. It is also publicly ordered that from this date Ali Ibraheem Khan shall be appointed to the office of Hakim of the City of Benares.

Written 25th of Showal year, 23rd Jelousy, or 14th October, 1781.

Form of process ordered to be established in the Dewanny Adawlut by Ali Ibraheem Khan, under his seal and signature, the 1st of Zelhega, 1195 *Hijree, or 23rd Jelousy.*

As it is well kown that the perwannah of the Governor General Mr. Hastings is solely calculated for the prosperity and protection of the people of Benares, notice is therefore publicly given that the forms of process in causes brought before the Dewanneo Adawlut, which were left to me, and established by my judgment, shall be as follows :—

The Darogah, Moulvees, Moonsiffs, Pundits, , Races, Moonshees, Moulvees, and other officers of the Dewanny Adawlut, being collected together in the Cutcherry

of the Adawlut, shall attend to the investigation of such complaints as may be made before them, in regard to debt, bills of sale, mortgages, settling accounts, transfers of property, right of vicinage, disputes of boundaries, rights of inheritance, of marriage question, of caste, or other complaints relating to property, ground, money, or other articles which may have a reference to the Dewanny Adawlut. No complaints of above 12 years' standing are to be heard, unless the plaintiff can bring proof of his having been in minority, or having taken a long journey; and when the plaintiff appears in Court, he is to give an ekrarnamah, stating that if he should fail in his attendance at the Court without sufficient reason, his complaint should be considered as of no avail, and when the defendant attends on summon, a responsible security must be taken from him; and if the plaintiff and defendant bring with them their vakeels, the vakalutnamahs shall be signed and sealed by the constituting parties and the Cazees affixed to them, and after being delivered into the Adawlut the cause may be carried out by the vakeels thus nominated. If both plaintiff and defendant should agree to settle their dispute by arbitration, the name of the arbitrators appointed by both parties shall be inserted in an ekrarnamah, and the cause given over for their decision. Whatever their decision may be, statement of it, under the signature of the arbitrators, shall be lodged in the duftar, and decision carried into execution. In causes where the evidence of witnesses is necessary, they are to be heard upon their oath on the Korawn or on the Ganges water, and after the decision on the cause, if the defendant does not discharge the amount awarded to the complainant, he should be enjoined to do so, or imprisoned, and the amount paid from his effects. It is also proper that no Darogah, Moulvees, Moonsiffs, or Pundit, or other officer of the Adawlut, should settle any business of complaint in their own houses; but that every business which comes before them should be investigated in the Cutcherry and decided according to right, faithfully and religiously. The statement of the causes decided upon having been prepared with the Futwah of the Moulvees and the decisions of the Moonsiffs and Pundits included in them, and having the seals of the officers of the Court and my signature affixed to them, they will be delivered over to the Serishtadars, and a statement of all the decisions entered monthly in the Bhaye to be sent with a list to the Governor-General in Council at Calcutta. It is also necessary that none of the officers of the Adawlut, who are servants of the Company, should receive the smallest amount by way of russoom, bribe, reward, tulubanah, consideration for service, or in any other manner, or under any pretence whatever, and that none of the parties should give anything to any of the people of the Adawlut. If the Adawlut officers demand or receive anything from any one forcibly, the person thus oppressed ought to acquaint the Darogah of the Adawlut that he may punish the person so offending and prevent him from doing the like; and if, notwithstanding this injunction, any of the Adawlut officers should demand from the parties in causes, or the latter give anything in the way above-mentioned, both of them shall be considered as liable to punishment by Government. The Darogah is also directed to give the strictest injunction to the people under him on this head, and whenever any act contrary to it, must be confined, and information given to me of the circumstances. In every business belonging to the Fouzdaree Adawlut,—such as infliction of death, retaliation, cutting of the hand, and the chastisement of offenders, baseness of assaults, whoredom, abuse or disputing the subject of marriages,—it is directed that the Dewanny Adawlut shall not interfere; and, if any person give in a false complaint, or gives false evidence, shall, after enquiry and proof, be delivered over to the Fouzdaree Adawlut to be adequately punished by them.

A copy of this form of process is to be stuck up on the door of the Cutcherry and to be advertized through the City of Benares for the information of every one.

Second form published by Ali Ibraheem Khan, 27th Zelhiga, 1195 Hijree, or 14th December, 1781.

In every complaint, when the original claim may not exceed one thousand rupees, Rehmut Ulla Khan will, agreeably to the Futwah of the Moulvee or decision of the

Pundit, sign the fesulnamah or decision, reading over to me the Surat Hal, with or without the parties attending, and will deliver to the people concerned copies of the decree under the seal of the Adawlut. The signature of Rehmut Ulla Khan upon the fesulnamah shall be required to render valid the seal of the Moonsiff, Moulvees and Pundit. In every business which may exceed one thousand rupees, after the proper enquiries have been made, and the decision given by Rehmut Ulla Khan and the Moonsiffs, &c., I shall hear in the presence of the parties their decision, and put my signature to it, agreeably to the judgment of Rehmut Ulla Khan and the Moonsiffs, and agreeably to the futwah of the Moulvees and Pundits and the seal of Rehmut Ulla Khan, the Moonsiff, and Moulvies, and the signature of the Pundit shall be also put to it. In the case of the parties being Hindoos, the cause shall be decided, agreeably to the Shaster, by the decision of the Pundits who will sign it and write the name of the Pothee from which their opinion is taken. Upon this decision, the seal of the officers of the Adawlut will also be put, writing above their seal that the business was settled by the opinion of such a Pundit. In the case of both parties being Hindoos, and wishing to have their cause decided by Mussulman Law, a razeenamah is to be taken from them and the cause decided accordingly. If one party should be a Hindoo, and the other Mussulman, the cause shall be decided agreeably to the former custom of Benares, by the Mussulman Law. In a business of interest betwixt a Hindoo, and Mussulman, a decision will be given agreeably to the customs of the country. If both parties are Hindoos, and one should agree that the cause should be decided by the Mussulman Law, whilst the other wishes it to be tried by the Shaster, it must be decided by the Shaster.

Copy of a Perwannah from the Governor-General, directed to Mr. William Markham.

If in the business of his Department, Ali Ibraheem Kham should require any assistance of troops, you will upon his request for a stated number immediately send them.

Written 25th of Zecand, 23rd Jelousy.

Copy of a third form published by Ali Ibraheem Khan, 1st Zelhiga, 1195 Hijree, or 23rd Jelousy.

As the perwannah of the Governor-General is solely calculated for the prosperity and protection of the people of Benares, notice is therefore publicly given that the forms of process in the Fouzdaree Adawlut, which were left to be fixed by my judgment, shall be as follows:—

That the Darogah, Moulvees, Peshkar, and the other officers of the Fouzdaree Adawlut shall meet together in the Cutcherry, and attend to the complaints brought before them, respecting quarrels, abuse, whoredom, violence, disputes about marriage connected with the law, the investigation of murder, theft, burglary and robbery, and inflict whatever punishment may be judged proper, not exceeding 20 to 30 strokes of the Tazeena, or confinement for at most one month. No higher punishment to be inflicted without my having been previously acquainted with it, and where the punishment of cutting off a limb, infliction of death, or retaliation, is adjudged, a futwah is to be made out under the seal of the Court and sent to me for signature, after which it will be carried into effect. All papers of orders signed by me shall be delivered to the Serishtadar and the statement of the causes which have been decided upon shall be monthly entered in the Bhaye, to be sent to the Governor-General in Council. It is also ordered that the officers of the Adawlut shall decide upon no causes in their own houses; but whatever business or quarrels may be brought before them shall be investigated and decided upon in the public Cutcherry. When a complainant appears in the Cutcherry, security to be taken from him also, but thieves murderers, and robbers must be sent to prison.

If the plaintiffs and defendants produce their Vakeels they must be furnished with vakalatnamah from their constituents, under their seals or signatures, and under the seal of the Cazee, which are to be filed and delivered into the office of the Adawlut before their being heard in the cause. In causes when witnesses are required, they must be examined upon oath on the Kawran or Ganges oath. Robbers and thieves who may be taken with the stolen property, or upon accusation, lodged against them after being properly examined, are to be released if they are found not guilty, having previously received my sanction, or if proved guilty, they are to be used as above directed. No stolen goods which may be secured in the Adawlut from robbers or thieves is to be released without my previous sanction.

As the Fouzdaree Adawlut is established for the punishment of guilty people, no person must confine another on any pretence in their own house, nor send peons as a Muhassil over another. If it shall so happen that any person should act in this manner, and the person who has been so oppressed should complain in the Cutcherry, the former will be punished.

A person making a false complaint in the Dewanny Adawlut, or giving false evidence, after proof of his guilt before the officer of that Adawlut, will be sent to the Fouzaree Adawlut, the officer of which will see him properly punished. Complaints of more than 12 years' standing are not to be attended to, and causes properly belonging to the Dewanny Adawlut,—such as debt, sales or purchases, mortgages, disputes on account of inheritance, rights of vicinage, and disputes regarding boundaries,—shall not be heard before the Fouzdaree Adawlut.

It is also directed that none of the officers of the Adawlut who are servants of Government should receive the smallest amount by way of russoom, bribery, reward, tulubanah, consideration for services, or in any other manner, or under any pretence whatever, and that none of the parties in the causes should give the smallest amount to any of the officers of the Adawlut. If they demand or receive anything from any one, the person thus oppressed ought to acquaint the Darogah of the Adawlut that he may punish the person so offending, and make him restore the money; and, if notwithstanding this injunction, any of the Adawlut officers should demand from the parties in causes, or the latter give anything, they shall both be considered as liable to be punished. The Darogah is also directed to give the strictest injunction to the people under him on this head, and whenever any act contrary to it, he must be confined, and information given to me of the circumstances that he may be dismissed from his office and punished.

A copy of this form of process is to be stuck upon the doors of the Cutcherry, and advertized through the City of Benares.

Copy of a form of process for the Fouzadaree Adawlut and of affixing the seal of the Court, delivered by Ali Ibraheem Khan to Mirza Mahomed Hussein and the Officer of the Adawlut, 27th Zilhij, 1195, or 24th of December, 1781.

As it is mentioned in the hookumnamah for the Fouzdaree Adawlut that the Surat Hal of every cause should be brought after investigation with the futwah to the Hukeem, who would, after considering and investigating the business, sign the futwah and deliver over the Surat Hal to the Darogah and the officers of the Court, the Darogah and Moulvees must accordingly take care that this order is observed. It is also inserted in the order that the Hakim has the authority to prepare the forms of process for the Adawluts, and I accordingly order that in the Fouzdaree Adawlut, when a person, after enquiry of the Court, and my being made acquainted with the Soorat Hal, may be thought liable to the punishment of from 20 to 30 strokes of the tazeenah, Mirza Mohommed Hossain may sign the futwah, and having inflicted the correction, may release him. Upon the Surat Hal my approval only will be